

No Child Left Behind Act of 2001
Consolidated Formula Subgrant

Fiscal Year 2005 Reference Manual

Project Period: September 1, 2004 to August 31, 2005

Covered Programs

- Title I, Part A: *Improving Basic Programs Operated by Local Education Agencies*
- Title I, Part A: *School Improvement*
- Title I, Part D: *Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk*
- Title II, Part A: *Teacher and Principal Training and Recruiting Fund*
- Title II, Part D: *Enhancing Education Through Technology*
- Title III, Part A: *Grants and Subgrants for English Language Acquisition and Language Enhancement*
- Title III, Part A: *Supplemental Immigrant Student Aid*
- Title IV, Part A: *Safe and Drug-Free Schools and Communities Act*
- Title V, Part A: *Innovative Programs*
- Title VI, Part B: *Rural and Low-Income School Program*



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<http://www.state.nj.us/education>

(Select Grants; Select Entitlement Grants; Select No Child Left Behind)

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SECTION I

INTRODUCTORY MATERIAL

TIMELINES

FY 2005 Distribution of NCLB Allocation Notices	June 2004
FY 2005 NCLB Amendment Applications – final date accepted.....	June 30, 2004
FY 2005 NCLB Applications due	August 30, 2004
FY 2004 NCLB Final Report/Carry-Over Applications due.....	December 12, 2004
FY 2003 NCLB Carry-Over Final Reports due.....	December 12, 2004
FY 2005 NCLB Amendment Applications – final date accepted.....	June 30, 2005
FY 2005 NCLB Final Report/Carry-Over Applications due.....	December 17, 2005

Applications that are submitted late and are received *after September 30, 2004*, will *not* be considered for FY 2005 funding.

The information in this document is taken from the *No Child Left Behind Act of 2001* and other reference material of said Act to help in the completion of the Consolidated Formula Subgrant Application. Although every effort has been made to present the information accurately, we recommend accessing the complete text of the Act, located on the U.S. Department of Education's Web site at www.ed.gov. This manual is subject to change. Certain revisions may be forthcoming pursuant to additional federal guidance and regulations.

WEB SITE INFORMATION

<http://www.state.nj.us/education>

(Select *Grants*; Select *Entitlement Grants*; Select *No Child Left Behind*)

The New Jersey Department of Education (NJDOE) Office of Grants Management Web site contains the following:

FY 2005 NCLB

- Reference Manual (Microsoft Word; PDF)
- Application, Directions and Appendices/Worksheets (Microsoft Word; PDF; Excel)
- Amendment and Directions (Microsoft Word; PDF; Excel)
- Final Report/Carry-Over Application and Directions (Microsoft Word; PDF; Excel)
- Allocations (Microsoft Word, Excel)

FY 2004 NCLB

- Reference Manual (Microsoft Word; PDF)
- Application and Directions (Microsoft Word; PDF; Excel)
- Amendment and Directions (Microsoft Word; PDF; Excel)
- Final Report/Carry-Over Application and Directions (Microsoft Word; PDF; Excel)
- Allocations (Microsoft Word, Excel)
- Budget Forms (Microsoft Excel)

FY 2003 NCLB

- Carry-Over Final Report and Directions (Microsoft Word; PDF; Excel)



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ACRONYMS/ABBREVIATIONS

ASSA	Application for State School Aid
ATOD	Alcohol, Tobacco, and Other Drugs
AYP	Adequate Yearly Progress
CCCS	Core Curriculum Content Standards
CIPA	Children's Internet Protection Act
CSR	Class-Size Reduction Program
EDGAR	Education Department General Administrative Regulations
ESEA	Elementary and Secondary Education Act
EWEG	Entitlement Web-Enabled Grant Application
GEPA	General Education Provisions Act
HQT	Highly Qualified Teacher
IASA	Improving America's Schools Act
IHE	Institution of Higher Education
LEA	Local Education Agency
LEP	Limited English Proficient
NAEP	National Assessment of Educational Progress
NCLB	No Child Left Behind
NJAC	New Jersey Administrative Code
NJDOE	New Jersey Department of Education
NJSA	New Jersey Statutes Annotated
OGM	Office of Grants Management
REAP	Rural Education Achievement Program
SEA	State Education Agency
SINI	School in Need of Improvement
USDOE	United States Department of Education
WSR	Whole School Reform

INTRODUCTION

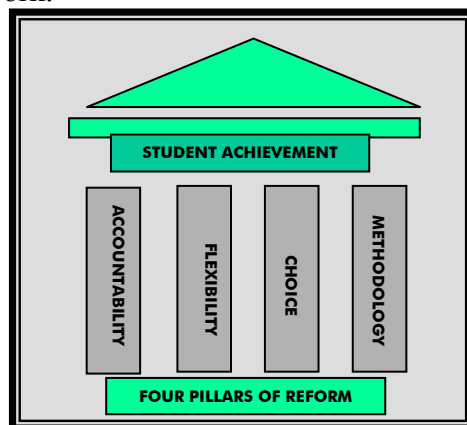
The guidelines provided in this document describe policies and establish procedures for the use of funds awarded under the *No Child Left Behind Act of 2001* (NCLB) included in the entitlement subgrant application. The governing requirements for these awards and further background information on NCLB are also included in this Reference Manual.

The New Jersey Department of Education (NJDOE), which administers funds under NCLB, continues to offer the consolidated grant application process to those LEAs applying for their funding allocations covered by the NCLB Consolidated Formula Subgrant. Section III of this manual includes information on the application content and process. The NCLB application and directions for completion are available on the NJDOE Web site as indicated in this section of the manual under “Web Site Information.”

A. NCLB Overview

The *No Child Left Behind Act of 2001* is a reauthorization of the Elementary and Secondary Education Act (ESEA)/Improving America’s Schools Act (IASA) 1994, providing funds to help all New Jersey’s school children achieve, at a minimum, proficiency in the state standards. NCLB embodies four key principles or pillars of education reform:

- **Accountability:** Strengthen accountability by requiring states to implement statewide accountability systems covering all public schools and students.
- **Flexibility:** Give states and local education agencies (LEAs) options in their use of federal education funds in exchange for strong accountability of results.
- **Choice:** Significantly increase the choices available to the parents of students attending Title I schools that fail to meet state standards.
- **Methodology:** Emphasize teaching methods and programs that are scientifically based and proven to work.



B. Covered Programs

The FY 2005 NCLB Consolidated Formula Subgrant includes the following programs:

- Title I, Part A: *Improving Basic Programs Operated by Local Education Agencies*
- Title I, Part A: *School Improvement*
- Title I, Part D: *Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk*
- Title II, Part A: *Teacher and Principal Training and Recruiting Fund*
- Title II, Part D: *Enhancing Education Through Technology*
- Title III, Part A: *Grants and Subgrants for English Language Acquisition and Language Enhancement*
- Title III, Part A: *Supplemental Immigrant Student Aid*
- Title IV, Part A: *Safe and Drug-Free Schools and Communities Act*
- Title V, Part A: *Innovative Programs*
- Title VI, Part B: *Rural and Low-Income School Program*

The intent of NCLB is that all children will meet state academic achievement standards to reach their potential through improved programs. **Title I, Part A** provides the programs and resources for disadvantaged students to meet this intent. It requires states and LEAs to close the achievement gap by placing a highly qualified teacher in every classroom, improving the qualifications of paraprofessionals who work with disadvantaged students, and using instructional practices that have proven to be effective. **Title I, Part D** serves neglected and delinquent youth in institutions, community day programs, and correctional facilities to assure they also attain high academic levels of performance. **Title II, Part A** provides the resources for improving teacher and principal quality and increasing the number of highly qualified teachers and principals in classrooms and schools, thereby raising student achievement in the academic subjects. It focuses on preparing, training, and recruiting high-quality teachers and principals and requires states to develop plans with annual measurable objectives that will ensure all teachers teaching in core academic subjects are highly qualified by the end of the 2005-2006 school year. **Title II, Part D** facilitates comprehensive and integrated educational technology strategies that target the specific needs of individual schools. It improves student academic achievement through the use of technology in elementary and secondary schools, while addressing the digital divide such that every student is technologically literate by the end of eighth grade. Effective integration of technology resources and systems with teacher training and curriculum development are encouraged in order to identify and showcase best practices in educational technology. **Title III, Part A** focuses on the teaching of English to limited English proficient (LEP) children, including immigrant children and youth. **Title IV, Part A** provides resources for fostering a safe and drug-free learning environment that supports academic achievement. **Title V, Part A** provides a flexible source of funding to help LEAs in the development and implementation of various innovative reform

initiatives. **Title VI, Part B** addresses the unique needs of rural school districts. **Title IX** covers the general provisions applicable to some/all of the programs.

Throughout NCLB, the use of solid research to improve teaching and learning as well as student behavior is required and promoted, and parents are provided with information and options to improve the educational opportunities provided for their children. The emphasis on scientifically based methodology encourages the use of teaching techniques and practices that are founded on research and proven to produce positive results.

C. Key Points

The provisions of NCLB build on the concepts of IASA and strengthen them. Some of the major changes that NCLB embodies include those listed below.

Ensuring Accountability for Results: Annual assessments will measure what children know in reading, math, and science in grades 3-8. Assessment results must be reported to the public and broken out by poverty, race/ethnicity, disability, and limited English proficiency to ensure that no group or child is left behind. If LEA or school assessment results fail to meet state-defined proficiency levels, the schools and districts will be designated for technical assistance and remedial action; if results still don't improve, restructuring will occur.

Providing More Options for Parents and Students: Students attending schools identified for improvement, corrective action, or restructuring will have the choice to attend another school that is not failing within the same school district. In addition, after two years of improvement status, parents may elect to access supplemental educational services such as tutoring.

Strengthening Teacher Quality: NCLB combines the former Eisenhower Professional Development and Class-Size Reduction programs into a new Improving Teacher Quality Program that focuses on using practices grounded in scientifically based research to recruit, prepare, train, and retain highly qualified teachers. (See Appendix A for a definition of "highly qualified" teachers.)

Promoting English Proficiency: Bilingual and immigrant education grants are incorporated into a new program to facilitate the planning and implementation of programs to help limited English proficient students learn English as quickly and effectively as possible so they can meet the same high academic standards as other students.

Providing a Safe School Environment: The Safe and Drug-Free Schools and Communities Act is reauthorized under NCLB to support state and local efforts to keep schools safe and drug free. States must report school safety statistics to the public and, under Title IX, students who attend persistently dangerous schools, or have been victims of violent crime at school, must be allowed to transfer to a safe school within the school district, including a public charter school.

Instituting Scientifically Based Teaching Methods and Programs: The term scientifically based research means research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs. This type of research is represented by the following criteria:

- Employs systematic, empirical methods that draw on observation or experiment.
- Involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn.
- Relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators.
- Is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs, or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls.
- Ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings.
- Has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparable rigorous, objective, and scientific review.

D. What's New

The reauthorization that created NCLB incorporated several new requirements and changes that are addressed in the NCLB consolidated application. The list below includes many of the changes.

Title I, Part A

- Instructional programs must be scientifically based.
- New Targeted and Education Finance Incentive Grant funds (EFIG) are included in the funding formulas; they direct more funds to higher poverty districts.
- Annual testing of reading and math in grades 3 through 8 must begin in FY 2006 with science to follow in FY 2008.
- Participation in the biennial National Assessment of Education Progress assessments of grades 4 and 8 in reading and math, if selected for the sample.
- Expansion of the adequate yearly progress (AYP) definition for schools to reach 100 percent proficiency by 2014.
- Disaggregation of assessment data by sub-groups.
- Sanctions and rewards for schools related to AYP.
- Additional requirements for the state annual school report cards.
- Public school choice and required expenditures for Title I schools designated as “in need of improvement.”
- 40 percent poverty threshold for schoolwide programs.

- Additional components for schoolwide plans.
- New teachers hired after the first day of school for FY 2004 must be highly qualified. (See Appendix A for a definition of highly qualified.)
- Plan required for existing teachers to be highly qualified by the end of FY 2006.
- New paraprofessionals “working in a program supported with” Title I funds and hired after January 8, 2002, must meet new requirements. (See Appendix A for a definition of paraprofessional.)
- Instructional paraprofessionals currently employed and paid through Title I must meet new requirements by January 8, 2006.
- Principals must verify that hiring/retention criteria are in compliance with teacher and paraprofessional qualification requirements.
- Additional requirements for providing information to parents including the Parent’s Right to Know.
- Increased requirements for private school consultation.

Title II, Part A

- Authorizes a new state formula grant program that combines the former Eisenhower Professional Development State Grants and Class-Size Reduction programs into one program that focuses on preparing, training, and recruiting high-quality teachers and principals.
- Hold harmless funds for private schools based on FY 2002 levels of IASA-Title II and Class-Size Reduction.
- Funding source for meeting new requirements for paraprofessionals.
- Funding source for the LEA’s plan for all teachers to be highly qualified by the end of FY 2006.
- Allows LEAs increased flexibility to allocate funds among professional development, class-size reduction, and other teacher quality activities.
- Includes, but does not limit, local activities to the following: teacher and principal recruitment and retention initiatives, signing bonuses and other financial incentives, teacher and principal mentoring, reforming tenure systems, merit pay, teacher testing, and pay differentiation initiatives.
- Requires LEAs failing to make progress toward meeting their measurable objectives after two years to develop an improvement plan.
- Requires LEAs failing to make progress toward meeting their measurable objectives after three years to enter into an agreement with the SEA regarding the use of the LEA’s funds under this program, including developing professional development strategies and activities, and prohibiting the use of Title I, Part A funds for any paraprofessional hired after the determination is made.
- Requires SEAs to provide funds directly to schools after three years of poor performance by the LEA to enable teachers to choose, in consultation with the school principal, the professional development activities in which they would like to participate.
- Supplement, not supplant requirement now applies.
- Increased accountability—performance indicators specified and annual increments required.

Title II, Part D

- New program requiring at least 25 percent of funding to be allocated to ongoing, sustained, and intensive high-quality professional development for all teachers that focuses on the integration of advanced technologies into curricula and instruction.
- Primary goal is to improve student academic achievement through the use of technology in schools.
- Assist every student in crossing the digital divide by ensuring that every student is technologically literate by the end of eighth grade.
- Ensure curricula and teaching strategies that integrate technology are research-based.
- Use of technology to promote parental involvement and increase communications with parents.

Title III, Part A

- New program that combines the former discretionary bilingual education program and the Emergency Immigrant Program into a new state formula grant program.
- Allocations to LEAs are based on the number of limited English proficient students enrolled in the district; however, districts must be eligible for at least \$10,000 in order to receive a grant.
- Districts may form consortia in order to become eligible for funding.
- 2 percent limit on administrative costs.
- Supplement, not supplant requirement applies.
- Accountability objectives that include annual measurable objectives and adequate yearly progress for English language proficiency.

Title IV, Part A

- New allocation method based on enrollment (40%) and relative amount received for Title I in prior year (60%).
- Programs/activities must be based on scientifically based research.
- Waiver available to implement innovative activities or programs that demonstrate substantial likelihood of success.
- 2 percent limit on administrative funds.
- Revised limits on security activities and purchases.
- Increased accountability—performance indicators required.
- Data reporting requirements for new uniform management information and reporting system.
- Supplement, not supplant requirement now applies, as well as maintenance of effort.

Title V, Part A

- Use of funds greatly expanded from 8 to 27 broad categories including teacher quality, professional development, class-size reduction, technology and educational materials, educational reform and school improvement, special needs, parental options, literacy, early childhood and adult education, community services and involvement, and health services. (See Appendix C for more detail.)

- Needs assessment and evaluation required to make decisions about activities for subsequent year.
- Annual evaluation report.
- Programs/activities must be based on scientifically based research.

Title VI, Part B

- Increased flexibility for consolidating funds.
- Expanded eligibility that includes additional LEAs.

Consolidation of Local Administrative Funds

In accordance with NCLB §9203, LEAs may consolidate funds with one or more of the covered programs to use for administration, not to exceed the established percentages for each program.

An LEA may consolidate available funds for administration, as well as other local administrative funds, to administer the programs included in the consolidation and for uses, at the district and school levels, designed to enhance the effective and coordinated use of funds under those programs.

NJDOE, in consultation with the NCLB Advisory Council, has established procedures for requests from LEAs to consolidate such administration funds. LEAs may request to consolidate administrative funds using the “Administrative Costs Budget Detail/Consolidated Administrative Costs” page in the application. Additional information is located in section IV of this manual.

E. What’s New for 2005

- FY 2005 is a transition year for New Jersey’s entitlement grant applications. The FY 2005 NCLB consolidated application consists of both an electronic application, the Entitlement Web-Enabled Grant (EWEG) Application, and a streamlined parallel paper application which includes required information not captured electronically.
- Each district’s FY 2005 NCLB allocations will be mailed to the district and will be posted directly to the EWEG system.
- The School Improvement Accountability (SIA) allocations will not be available until fall 2004. Therefore, the SIA application will be submitted as an amendment to the NCLB consolidated application.
- Comparability calculations must be submitted as part of the parallel paper application.
- The Title I, Part A per-pupil expenditure will be calculated differently than in the past. The reservation of funds required under Section 200.77 will be made before the LEA determines the per-pupil expenditure and the allocation of funds to school attendance areas, schools and programs for eligible nonpublic school students.

F. Waiver Process

Federal Waivers

In accordance with NCLB §9401, the United States Department of Education (USDOE) is authorized to waive certain federal statutory or regulatory requirements if they impede school improvement efforts. Federal waivers and waiver extensions may be requested by the State Education Agency (SEA) on behalf of an LEA or school, or by an LEA on its own behalf **after** the NJDOE has had an opportunity to review and comment on the waiver request. The following requirements may not be waived under the general waiver authorities:

- Allocation or distribution of funds to states, LEAs, or other recipients.
- Maintenance of effort.
- Comparability of services.
- Use of federal funds to supplement, not supplant, nonfederal funds.
- Equitable participation of private school students and teachers.
- Parental participation and involvement.
- Applicable civil rights requirements.
- Title V, Part B charter schools requirements.
- Prohibitions regarding state aid or use of funds for religious worship or instruction or the general prohibitions of activities described in NCLB §9526.
- Selection of Title I school attendance areas within 10 percentage points of the lowest percentage in the LEA.

All other statutory or regulatory requirements of NCLB may be waived based on a *compelling request* by a waiver applicant. Supporting documentation for the waiver request would contribute to a strong defense for granting the waiver request. The following specific requirements must be satisfied in a federal waiver application:

- Identification of the federal programs affected.
- Description of the requirements to be waived.
- Description of how waivers would increase quality of instruction or improve academic performance.
- If applicable, description of which similar state and local requirements would be waived, and how waivers would help achieve stated objectives.
- Description of specific, measurable annual educational improvement goals and expected outcomes for all affected students.
- Description of methods to be used to measure progress in meeting goals and outcomes.
- Description of how schools would continue to provide assistance to the same populations served by programs for which waivers are requested.
- Explanation of how the waiver will assist in reaching the educational goals.
- For LEAs or schools seeking waivers, the SEA must have had an opportunity to review the request. Any SEA comments must be included in the waiver request.
- The waiver request must be provided to the public using the customary public notification process and documentation included with the submission.

In accordance with the August 11, 1998, *Federal Register* and the “US Department of Education Waiver Guidance of August 1996” (as updated in August 1997), all requests for waivers scheduled for implementation in the beginning of the 2004-2005 school year must have been submitted to the USDOE no later than April 1, 2004. To meet this federal deadline, LEAs must have submitted all federal waiver requests to the NJDOE and its county office for comment by February 1, 2004. Although LEAs may submit requests at a later date, implementation of the waiver may not begin until approval is received. Thus, LEAs are strongly encouraged to engage in the process of deciding what waivers to seek early in the planning process. During the period of time new waiver requests are under review, a waiver applicant must continue to comply with the requirement that is the subject of the waiver request. LEAs considering requesting *federal* waivers may contact the USDOE waiver assistance line at (202) 260-1922. Information is also available at <http://www.ed.gov/flexibility>.

All federal waiver requests by an LEA must be submitted to the NJDOE county office and to the responsible program office at the NJDOE for review and comment prior to submission to the USDOE.

Although the NJDOE does not have the authority to grant approval of waivers for federal statutes or regulations, the NJDOE is required to review all requests for appropriateness and determine if there is a comparable state statute that cannot be waived. The NJDOE will respond to federal waiver requests of LEAs within a 45-day period. The LEA, in turn, will submit the waiver request with the NJDOE’s comments to:

Assistant Secretary for Elementary and Secondary Education
United States Department of Education
Attention: Waiver Staff
400 Maryland Avenue SW
Washington, DC 20202

Approved federal waivers are in effect for a period not to exceed four years. The USDOE may extend the waiver if it has proven to be effective, improved student achievement, and is in the public interest. At the end of the second year of the waiver and in each subsequent year, the LEA must submit a report to the NJDOE describing the uses of the waiver, how assistance is provided to the populations served by the waiver, and the evaluation of the progress made toward improving the quality of instruction or academic improvement. The USDOE is responsible for submitting an annual report of the waivers to Congress.

State Waivers

The NJDOE will continue to allow more regulatory flexibility by granting waivers to specific requirements of the rules contained in the *New Jersey Administrative Code*, Title 6, under the authority of *N.J.A.C. 6:5*. A *federal waiver* request approval does not permit the LEA to disregard state administrative code. A state waiver must be requested separately. *State waivers* may be granted on a case-by-case basis when the intent of the

law or regulation is served, the provision of a thorough and efficient education is not jeopardized, and there is no adverse impact on the health, safety, or civil rights of students. Although the state waiver process is separate, a description of the state requirement to be waived, along with the state waiver application, should be included in any waiver application for a similar federal requirement.

Title II, Part D

Title II, Part D requires that 25% of all Title II, Part D funding is expended on all teachers of core academic subjects participating in ongoing, sustained, intensive, high-quality professional development that is focused on the integration of technology into the curriculum and instruction. See the application directions for specific information about waiving this requirement.

Title III, Part A

No Child Left Behind contains a provision allowing districts to request a waiver from the requirement in NCLB §1111(b)(3)(C) stipulating that the academic assessment of reading and language arts of students who have attended schools in the US (not including Puerto Rico) for three or more consecutive school years use tests written in English. Since New Jersey currently has no native language versions of statewide assessments (except for the SRA in the native language, for which eligibility is limited to students who have been attending US schools for three years or less), this waiver provision is not applicable in New Jersey schools at this time. However, the department is currently exploring the feasibility of developing assessments in other languages. If these become available, districts will be provided with information regarding waiver requests at that time.

Title IV, Part A

To allow innovative activities or programs that demonstrate substantial likelihood of success, an LEA may apply to the state for a waiver of the requirement that all programs, services, and activities funded under Title IV, Part A must be based on scientifically based research that provides evidence that the program to be used will reduce violence and illegal drug use. [NCLB §4115(a)(1)(C)]

SECTION II

FEDERAL AND STATE REGULATIONS AND PRIORITIES

FEDERAL REGULATIONS AND PRIORITIES

The parameters within this NCLB reference manual were established under the authority of the laws and regulations cited in this section.

A. Federal Statutes and Regulations

- Elementary and Secondary Education Act of 1965, as reauthorized by the *No Child Left Behind Act of 2001*, Public Law 107-110
- Education Department General Administrative Regulations – March 5, 2001 (EDGAR)-34 CFR Parts 76, 77, 79, 80, 81, 82, 85, 86, 97, 98, 99
- Department of Defense Appropriations Act, Stevens Amendment (§8136 of Public Law 100-463)
- General Education Provisions Act (GEPA)
- OMB Circular A-133 Compliance Supplement
- OMB Circular A-87 Cost Principles for State, Local and Indian Tribal Governments

B. Federal Educational Standards and Assessment Priorities

NJDOE continues to embrace the principle of an educational system that supports the achievement of challenging academic standards for all students. NCLB mandates the development and implementation of standards, assessments, and accountability for three subject areas: mathematics, reading/language arts, and science. The state's academic standards, the Core Curriculum Content Standards www.state.nj.us/njded/stass, are assessed using the New Jersey Assessment of Skills and Knowledge (NJASK3 and NJASK4), Grade Eight Proficiency Assessment (GEPA), and High School Proficiency Assessment (HSPA) for proficiency in these three primary NCLB subject areas. The following timetables for implementation of standards and assessment are articulated in the NCLB legislation.

Academic Achievement Standards

Subject:	Mathematics
	Grades: 3-8
	Implement by: 2005-2006
Subject:	Reading/Language Arts
	Grades: 3-8
	Implement by: 2005-2006
Subject:	Science
	Grades: Elementary (3-5); Middle (6-9); High School (10-12)
	Implement by: 2007-2008

Assessments

Subject:	Mathematics
Grades:	3-8
Implement by:	2005-2006
Subject:	Reading/Language Arts
Grades:	3-8
Implement by:	2005-2006
Subject:	Science
Grades:	Elementary (3-5); Middle (6-9); High School (10-12)
Implement by:	2007-2008

Beginning in fiscal year 2003, NJDOE Title I schools are also participating in the biennial state-level National Assessment of Educational Progress (NAEP) reading and mathematics at grades 4 and 8. According to §1111, LEAs that receive Title I funds are required to participate if selected for the NAEP sample. Otherwise, participation is voluntary.

Consolidated Plans

NCLB §9302 gives states the opportunity to submit a consolidated state plan to encourage integration of individual programs into comprehensive educational improvement and reform initiatives. This process allows for the melding of the various federal programs into a more coherent strategy for improving education in the state. NCLB authorizes states to include 13 federal grant programs in their consolidated state plan.

NCLB §9305 extends similar flexibility to LEAs to complete consolidated local plans and applications as opposed to the submission of individual applications for each subgrant. There are nine federal grant programs included in this NCLB application. The consolidation of federal programs is designed to develop comprehensive school programs supported through a unified planning and implementation process. Major objectives of the consolidation include: improved teaching and learning through a comprehensive approach rather than individual program administration, increased flexibility in programming, improved cross-program coordination, integration of services, and an emphasis on improving schools to benefit all children. The consolidated application encourages program coordination and collaboration, shared decision-making, and comprehensive planning to advance local systemic improvement. This flexibility is in exchange for greater accountability for increased student achievement for all students.

Monitoring

Monitoring is an ongoing assessment of an LEA's status of compliance with federal and state requirements. Several methods are used to review an LEA's compliance with requirements directing the use of federal funds. The primary focus is on outcomes. The performance of schools and districts that receive federal funds are directly linked to assessment results and to accountability standards. Information regarding the implementation of program activities and expenditures is collected through site visits and required reports. NJDOE staff reviews applications for compliance with regulatory requirements. Final Reports are reviewed to determine completion of program activities and expenditures consistent with the approved

application. Additionally, district audit reports are reviewed and areas of noncompliance are identified for correction.

More detail on the monitoring and audit process is presented elsewhere in this section under “State Regulations and Priorities.”

Data Collection

Federal regulations require LEAs to collect and submit data to the NJDOE. These data are compiled with the assessment results and forwarded to the USDOE. The data is essential to the USDOE to document the usage of federal funds and success of the program. LEA failure to comply with the data submission requirements may result in the withholding of grant payments.

Title I, Part A

The NCLB law requires the collection of data from LEAs receiving Title I funds. This information contributes to the State Performance Report that the NJDOE is required to submit to the USDOE. The collection of data is obtained using a Web-based data collection system for the Title I Performance Report. The system allows the school district data to be reported through the Internet each year.

LEAs will be required to collect demographic data for participating students for the 2003-2005 school years by race, gender, grade level, special services group, and type of service. Additionally, to comply with NCLB, new data sets have been added. Information on staff qualifications will be required. The state will also track the number of students participating in school choice and supplemental educational services. LEAs are encouraged to establish an internal data collection process to facilitate the reporting of accurate data. [NCLB §1111(b)]

Title II, Part A-

The FY 2004 Title II-A Highly Qualified Teacher Survey was Web-enabled on January 15, 2004, and the deadline for completing it was February 27, 2004. It was accessed at the following Web site: <http://homeroom.state.nj.us>. The purpose of this survey was to collect baseline data and to set annual targets (benchmarks) for a performance goal of the *No Child Left Behind Act* (NCLB), which states that by 2005-2006, all **classes** will be taught by “highly qualified” teachers as the term is defined by NCLB [section 9101(23)] .

This school-based survey was completed by each school (both Title I and non-Title I) on a paper form. Local education agencies (LEAs) were required to make copies of the paper survey form and transmit a copy to each of their schools along with a copy of the “Directions and Glossary for Completing the Highly Qualified Teacher Survey.” The data that was entered pertained to the teachers’ present (2003-2004) teaching assignments and the 2003-2004 classes being taught in the core subject areas. The completed survey forms were returned by each school to the district’s central office, where the school-level data was entered into the online Title IIA Highly Qualified Teacher (HQT) survey by a designated user who had access the LEA’s secure Title II A account. LEAs that entered the data for each of their schools were able to print out individual school reports and district-wide reports. These reports provided the baseline data for the percent of teachers by school and by district who meet the NCLB definition of a “highly qualified

teacher”. Additionally, the reports provided the baseline data for the percent of core content area classes – school-wide and district-wide -- being taught by highly qualified teachers.

Using this 2003-2004 baseline data, schools and districts will be able to set 2004-2005 targets for the percent of teachers who are highly qualified and the percent of classes being taught by highly qualified teachers with a final target of 100% set for the end of the 2005-2006 school year.

The survey will again be online in January 2005 to allow LEAs to enter data for the 2004-2005 academic year. LEAs will again be notified by e-mail of the exact opening and closing dates of the 2004-2005 survey.

Title II, Part D

LEAs must develop a process and accountability measures that will be used to evaluate the extent to which activities funded under Title II, Part D are effective in 1) integrating technology into curricula and instruction; 2) increasing the ability of teachers to teach; and 3) improving student academic achievement.

The annual student assessment system is one tool to determine the academic achievement of students in schools that are recipients of Title II, Part D funding. Additionally, NJDOE is currently exploring activities involved with adopting or developing an assessment tool to measure technology literacy in order to satisfy the requirement that every student is technologically literate by the end of eighth grade. The federal government will be providing guidance on the types of data analysis that will be required.

Title III, Part A

NCLB Section 3122 requires States to establish two types of annual measurable achievement objectives: one based on the percentage of limited English proficient (LEP) students, determined by cohort, who attain English language proficiency at the end of each school year; the other based on the percentage of limited English proficient students making progress in learning English. The 2002-2003 school year was considered the baseline year for collecting this data and for measuring districts’ attainment of achievement objectives. Accordingly, districts will be required to annually submit data to the department that demonstrates the percentages of students, by cohort, exiting language assistance programs, and data that demonstrates students’ progress towards attaining English proficiency, as measured by department-approved language proficiency tests. For information on the Title III annual measurable achievement objectives, a summary of the 2002-2003 baseline data, and the format for the 2003-04 data collection, see the department’s bilingual education home page at <http://www.nj.gov/njded/bilingual/>.

In addition, LEAs that receive Title III subgrants must submit every second fiscal year an evaluation, in a format to be determined by the department, that includes a description of the programs and activities conducted by the school district with Title III funds during the two immediately preceding fiscal years. This report will be due at the conclusion of the 2003-04 school year.

Title IV, Part A

Pursuant to NCLB §4114(c), LEAs must assess and publicly report progress toward attaining their performance measures for Title IV, Part A funds under the NCLB consolidated formula subgrant. Per NCLB §4122, 4113(a)(6), and 4112(c)(3), each LEA receiving Title IV, Part A funds is required to submit to NJDOE such information, and at such intervals, that the state requires, including the following information on LEA programs:

- The types of curricula, programs, and services provided.
- Implementation and outcomes of programs under NCLB §4115(b) and an assessment of their effectiveness.
- Effectiveness of parent involvement and training programs.
- The degree to which the levels of illegal drug, alcohol, and tobacco use, and school violence and the illegal presence of weapons at schools have been reduced.
- The frequency, seriousness, and incidence of violence and drug-related offenses resulting in suspensions and expulsions by school building.
- The age of onset, perception of health risk, and social disapproval of drug use and violence by school building.
- Truancy rates by school building.
- Compliance with the principles of effectiveness described in NCLB §4115(a), which includes a requirement for funded programs to be based on an assessment of objective data regarding the incidence of violence and illegal drug use; an objective analysis of the current conditions and consequences regarding violence and illegal drug use, delinquency and serious discipline problems among students who attend the LEAs' schools, and private school students who participate in the drug and violence prevention program that is based on ongoing local assessment or evaluation activities.

LEAs must collect the data, at a minimum, using each of the following:

- Incident reports by school officials.
- Anonymous student surveys.
- Anonymous teacher surveys.

Pursuant to the statutory requirement described above, LEAs continue to be responsible for providing annual Title IV, Part A performance information to the NJDOE. The forms and system for completing and submitting the required information, however, have changed from the two mark-sense forms or "bubble sheets" used in the past to an Internet-based reporting system. The "bubble sheet" forms (i.e., Local Substance Abuse and Violence Prevention Program Elements Form, and Safe and Drug-Free Schools and Communities Act Impact Data Form) have been replaced with a new Internet-based data collection format titled *Title IV, Part A Performance Report*, which includes data elements from both of the previously required "bubble sheets."

Information was provided to all Chief School Administrators (CSAs) in April 2002 apprising them of the new reporting system. Instructions were included with the correspondence for either establishing user accounts for individuals who do not yet have an existing account or for adding authorization for the new Title IV, Part A system to an existing user account. In order to prepare for data entry over the Internet, CSAs were advised to have the designated Title IV, Part A

account user(s) complete the *Title IV, Part A Annual Report Worksheet* that was included with the correspondence.

Because LEAs are required to use the Internet-based Electronic Violence and Vandalism Reporting System (EVVRS), they are not required to submit a Gun-Free Schools Report. Use of the EVVRS will constitute compliance with the federal Gun-Free Schools Act (GFSA), pursuant to section 4141, as well as the requirement to report all removals/expulsions from schools imposed under *N.J.S.A. 18A:37-7* through 12, the Zero Tolerance for Guns Act.

Title V, Part A

LEAs must annually report participation information pertaining to services provided to public and private school students and teachers and the planned allocation of funds for each of the 27 innovative assistance areas. The report must describe how the programs affected student achievement and LEAs must use this data to evaluate the value of the programs for the following year.

The data obtained from LEAs is reported to the USDOE and to the members of Congress via a "National Compendium of State and Local Activities." This data details the use of Title V funds across the nation. Details for the FY 2005 data collection are being determined. LEAs will be provided with the data collection requirements upon finalization.

Scientifically Based Programs

According to US Secretary of Education Rod Paige, "One of the major tenets of our education policy is that teaching and learning practices be based on sound, scientific research. This is the cornerstone of educational reform." All NCLB Titles in the consolidated application require the use of scientifically based programs. Title II, Part D, requires that programs be based on "relevant research." Any program implemented with NCLB funds must be shown to achieve success. LEAs must demonstrate results with students achieving performance targets.

The term scientifically based research means research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs with the object of improving student academic achievement. This type of research is represented by criteria which:

- Employ systematic, empirical methods that draw on observation or experiment.
- Involve rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn.
- Rely on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators.
- Are evaluated using experimental or quasi-experimental designs in which individuals, entities, programs, or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls.
- Ensure that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings.

- Have been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparable rigorous, objective, and scientific review.

USDOE What Works Clearinghouse

The USDOE has established a Web site called the What Works Clearinghouse (WWC), available at w-w-c.org/public/index.html, to provide educators with the information they need to make choices based on high-quality scientific research. WWC is a project of the U.S. Department of Education's Institute of Education Sciences, created in August 2002 to provide educators, policymakers, and the public with a central, independent, and trusted source of scientific evidence of what works in education. Administered by the USDOE, through a contract to the joint venture of the American Institutes for Research (AIR) and the Campbell Collaboration, nationally recognized leaders in the field of rigorous reviews of scientific evidence, the WWC Web site will present review standards, topics of importance to education, teaching approaches, products, assessment instruments, and evaluations that are found to be effective and meet the criteria of scientifically based.. Check the Web site periodically for updates.

Resource Information

Note: The following resources provide information on scientifically based methods and programs:

- *Blueprints for Violence Prevention* offered by The Office of Juvenile Justice and Delinquency Prevention at www.ojjdp.ncjrs.org.
- *The Catalog of School Reform Models* at www.nwrel.org/scpd provides a listing of school reform models and instructional programs.
- *Center for Substance Abuse Prevention Model Programs* offered by the Center for Substance Abuse at <http://modelprograms.samhsa.gov> and www.samhsa.gov.
- Consortium for Policy Research in Education (CPRE) at www.cpre.org.
- National Council of Teachers of Mathematics at www.nctm.org.
- National Institute for Literacy at www.nifl.gov.
- National Reading Panel at www.nationalreadingpanel.org.
- The National Research Center on English Learning & Achievement at cela.albany.edu.
- The National Academy Press of the National Research Council at www.nap.com.
- Northwest Regional Educational Laboratory at www.nwrel.org/comm/research.html.
- *Safe, Disciplined, and Drug-Free Schools Expert Panel Exemplary Programs (2001)* is offered by the USDOE at www.ed.gov/offices/OESE/SDFS.
- *Safe, Disciplined, and Drug-Free Schools Promising Programs (2001)* is offered by the USDOE at www.ed.gov/offices/OESE/SDFS.
- What Works Clearinghouse available at w-w-c.org/public/index.html.
- NJDOE: Office of Reading First Approved Programs and Materials <http://www.nj.gov/njded/readfirst/Programs/>

It is essential to review the research associated with these programs prior to selection. Other helpful resources are listed in Appendix F in this manual. The USDOE Web site also contains a list of organizations that provide research—choose the “Research and Stats” button.

Teacher Quality

Research has shown that the effect of teacher quality on academic achievement is quite high. Studies have demonstrated that a teacher's verbal and cognitive ability, experience, and content knowledge have a great effect on student achievement. Professional development activities must focus on the content that teachers will be delivering and the curriculum they will be using and provide a better context for teachers to do their work, such as the form of systems that link and align standards, curricula, assessment, and accountability. Refer to the Title II, Part A federal guidance for more extensive information on scientifically based research on teacher quality and research on teacher preparation and professional development.

Adequate Yearly Progress

In accordance with NCLB, states are required to develop and implement a single statewide accountability system to ensure that schools make adequate yearly progress (AYP). New state progress standards were set using data from 2002 as the baseline for NCLB benchmarks. All student subgroups (racial and ethnic categories, LEP, economically disadvantaged, and disabled), in addition to the total school population, must meet these benchmarks in order for a school or district to make adequate yearly progress. If any one subgroup in a school does not reach its target, the school will have failed to make AYP for that year. Failure to make AYP for two consecutive years in the same content area will identify a school or district as in need of improvement. An LEA can apply the "safe harbor" provision if a subgroup reduces the failure rate by at least 10 percent.

Each state is required to define AYP in a manner that does the following:

- Applies the same high standards of academic achievement to all public elementary school and secondary school students in the state.
- Is statistically valid and reliable.
- Results in continuous and substantial academic improvement for all students.
- Measures the progress of public elementary schools, secondary schools, LEAs, and the state, based primarily on the academic assessments.
- Includes separate, measurable, annual objectives for continuous and substantial improvement for all students and subgroups.

The NJDOE Consolidated State Application Accountability Workbook is posted on the Web site at: <http://www.nj.gov/njded/grants/nclb/>. This document details full accountability requirements.

Schools identified as in need of improvement end their school improvement status after making AYP for two consecutive years in the same content area. If a school makes AYP for one year, the school is not required to implement the next level of sanctions, e.g., supplemental educational services requirements, corrective action, or restructuring.

Note: Schools not identified as in need of improvement using data from the 2001-2002 school year will be measured using data for subsequent years. Requirements for schools identified using the new baseline will be on a different time line. Data will be evaluated annually to

identify newly designated schools in need of improvement and existing schools no longer in improvement status.

Requirements for Schools in Need of Improvement

Upon identification, schools in need of improvement must implement certain practices outlined in the NCLB legislation.

Year I — School Improvement

After a school has been designated as in need of improvement, the LEA/school must do the following:

- Notify parents of the status of the school and the option for school choice.
- Provide technical assistance to the school.
- Develop priority criteria for honoring requests to transfer to another school within the district that is not in need of improvement.
- Develop a school improvement plan with the school.
- Provide professional development opportunities in accordance with NCLB requirements.

Year II — School Improvement

If schools in need of improvement have implemented their improvement plan and have not met AYP in the 2nd year, the LEA/school is required to do the following:

- Notify parents of the status of the school.
- Continue to provide technical assistance to the school.
- Continue to offer the public school choice option.
- Revise the school improvement plan
- Provide professional development opportunities in accordance with NCLB requirements.
- Make tutoring and other supplemental educational services available to eligible students.

Note: When both school choice and supplemental services are offered, parents may have the option to select which of the two they would prefer for their child.

Year III — Corrective Action

If schools in need of improvement have implemented their improvement plan and have not met AYP in the 3rd year, the LEA is required to do the following:

- Notify parents of the status of the school.
- Replace the school staff that are relevant to the failure to make AYP.
- Institute and fully implement a new curriculum including providing professional development opportunities in accordance with NCLB requirements.
- Significantly decrease management authority at the school level.
- Appoint an outside expert to advise the school to meet AYP.
- Extend the school year or school day.
- Restructure the school's internal organizational structure.

Year IV — Restructuring

If schools in need of improvement have implemented their improvement plan and have not met AYP in the 4th year, the LEA is required to do the following:

- Publish and disseminate information regarding corrective action to the public and to parents.
- Continue to offer public school choice and supplemental educational services.
- Plan and implement a major restructuring of the school's governance, which may include reopening as a public charter school, replacing all or most of the staff, contracting for operation by a public or private entity with a demonstrated record of effectiveness, or state takeover.
- Promptly notify teachers and parents and provide an adequate opportunity to participate and comment on any action.

Schools in Need of Improvement

In compliance with the Title I requirements under NCLB §1116, New Jersey has established a comprehensive accountability system, which includes identifying schools in need of improvement. Criteria to identify schools are based on the current state assessment program. To enable New Jersey to best meet the intent of the federal accountability requirements, schools that failed to meet state standards for two consecutive years in the same content area have been identified as in need of improvement.

Schools in Need of Improvement

Identified Schools in Need of Improvement must take the following steps as part of their NCLB application:

- **Improvement Plan:** Within three months of being identified for improvement, the school must develop an improvement plan showing what programs and strategies will be adopted to improve teaching and learning. A comprehensive needs assessment will help in identifying priority problems (see "Needs Assessment" in Section III of this manual). The plan must contain measurable goals and address the following:
 - ~ Core academic subjects and the strategies used to teach them (including extended learning activities);
 - ~ professional development;
 - ~ technical assistance; and
 - ~ parent involvement.

Core academic subjects and the strategies used to teach them: The plan must reflect activities and strategies grounded in scientifically based research to address deficiencies in teaching and learning in core academic subjects areas. For example, activities used to enhance early literacy should embrace the five scientifically based research strategies of 1) phonemic awareness, 2) phonics, 3) vocabulary development, 4) reading fluency, and 5) reading comprehension. Schools in need of improvement may also consider the adoption of a comprehensive school reform model to facilitate the implementation of scientifically based research strategies. While the model alone cannot address every identified need of the school nor substitute for a well-developed improvement plan to effect systemic change, the model can provide the external structure and support needed for some schools.

Professional Development: Professional development for school staff to improve their skills must be provided. Activities must be high-quality, meaning sustained and classroom-focused. Professional development activities in the plan should directly address those areas of

academic concern that placed the school in improvement status and incorporate the alignment of teaching and learning strategies with academic content standards and assessment.

The delivery of professional development strategies must allow for increased teacher participation and include teacher mentoring activities and programs. The teacher mentoring component is added to support the statutory requirement of recruiting and retaining highly qualified teachers. Ten percent of the school's Title I allocation for the next two years must be obligated to support these professional development activities (see "Professional Development" in Section III).

Parental Involvement: The school improvement plan must address parental involvement on two levels. First, the plan must describe how the school will comply with the requirement to notify parents of the school's status. Second, the plan must specify the strategies that the school will use to promote effective parental involvement.

Technical Assistance: The LEA is required to provide technical assistance to its schools in need of improvement. LEA efforts must focus on strengthening and improving teaching and learning and address those issues preventing the school from making AYP. Technical assistance must include scientifically based research approaches on:

- Data analysis;
- Identification and implementation of instructional strategies; and
- Budget analysis

The LEA assistance should be aligned to the improvement plan of each school and consider the unique challenges faced by each school in need of improvement.

- **Parental Notification:** Parents of students enrolled in schools designated as in need of improvement must be notified, well before the beginning of the school year, of the school's status, the choice, and supplemental educational services options available. This notification must be in an easy-to-read format, and to the extent practicable, in a language the parents can understand. At a minimum, the notification must include the following:
 - ~ Inform parents that their child is eligible to attend another public school due to the less than adequate performance of their current school.
 - ~ Identify each public school, including public charter schools that the parent can select.
 - ~ Explain why the choices made available to them may have been limited or unavailable.
 - ~ Describe the performance and quality of those schools of choice.
 - ~ Provide parents with the supplemental educational services options.
 - ~ All services must be in place by September 2005.

Additional information can be offered such as a description of special academic programs or facilities, availability of extended-day programs, professional qualifications of teachers, and other information of interest. Choice schools may not include other schools identified as in need of improvement or those identified by the state as persistently dangerous.

Parents must be given sufficient time to respond to their notification and allowed to communicate in a variety of ways, including standard mail, e-mail, or fax. The LEA should

confirm receipt of the choice or supplemental educational services request from the parent. All services must be made available at the beginning to the school year.

- **Intradistrict School Choice:** The LEA must offer school choice to all parents whose children attend a school in need of improvement. This gives parents the opportunity to transfer the student to another school within the district that is not designated as a school in need of improvement or as a persistently dangerous school. (See “Parent Involvement” in Section III of this manual and “Public School Choice” in Appendix D for more detail. The school choice provision extends to parents of students in charter schools as well. A charter school designated in need of improvement must offer parents the choice of sending their children to another school (public or charter school) within the LEA that is not designated as in need of improvement. Public schools in need of improvement cannot designate a charter school in need of improvement as a choice option for parents. The following are choice options:

Open Enrollment: Some districts offer open enrollment across all of the schools of the district that serve the same grades. This is the optimum choice design, allowing parents to select the school that they would like their child to attend. Magnet schools exemplify this open enrollment option. Such a policy meets full choice requirements.

Limited Choice Opportunities: For districts only able to offer choice on a limited basis, this option may apply. Generally, schools first enroll children from the local surrounding neighborhood, and then have a limited number of class spaces available for other children from other neighborhoods. When choices are limited, procedures for offering choice in a fair, non-discriminatory fashion must be laid out.

LEAs must give priority to the lowest performers from low income families when providing students the option to transfer. LEAs can prioritize by offering these students their first choice of schools, and provide transportation first, if such funds are limited. Students may *not* be rank-ordered by parent income. Performance (overall or in a specific content area) is the chief indicator to prioritize the list.

The LEA must continue to offer school choice until the school is no longer identified as in need of improvement, that is, the school makes AYP for two consecutive years. If, however, a student opts for choice, the LEA must permit the student to remain in the choice school until the highest grade in that school is completed. If the school of origin comes out of school improvement status during the student’s tenure at a choice school, the LEA will no longer be obligated to provide transportation.

A quality school choice plan should contain the following elements:

- Choice is viewed as an important opportunity for parents.
- Choice is an important component of the overall district educational improvement plan.
 - An overriding goal is to provide students with access to quality instruction.
 - Communication with parents is timely and thorough.
 - Information is provided in a format that is easy to understand.

Districts may not use lack of capacity to deny students the option to transfer. *Every* student enrolled in a Title I school in need of improvement who wishes to transfer to a school that is not in need of improvement *must* have that opportunity. If sufficient capacity is not available, the district must create additional capacity or provide choices of other schools. If other schools within the district are not available, the LEA should make every attempt to secure space outside the district, within reason. The following conditions apply:

- Accommodations must provide a healthy and safe learning environment.
- LEAs may be selective when transferring students with disabilities to ensure the student attends a school with appropriate accommodations. (Location change does not require IDEA “change of placement” procedures.)
- LEAs with a desegregation plan, whether court-ordered or not, are not exempt from offering the choice option, even if it requires court intervention to amend the plan. If court intervention is required, the LEA should notify NJDOE and the USDOE. Court costs may be allowable expenditures under Title I.
- The only type of state law that can limit or prevent school choice is a law that prohibits public school choice through restrictions on public school assignments or the transfer of students from one public school to another public school. Other laws, such as those that mandate specific student-teacher ratios, may make providing choice options more difficult, but may not be used to prohibit parental choices.
- Title I law supersedes local laws and policies.

Note: School choice will be offered to parents whose children attend schools identified as “persistently dangerous,” or when a child has been the victim of a violent crime on school property. Unsafe schools will be identified by July 1, 2003 (see <http://www.ed.gov/offices/OESE/SDFS/unsafeschoolchoice.doc> for more information.)

Transportation Costs: LEAs must provide appropriate transportation for choice students using up to 20 percent of their Title I allocation. This 20 percent reserve applies to a combination of choice transportation and supplemental educational services, if used, with 5 percent minimum for transportation. (The reserve may not be used for administrative costs or supplemental services transportation.)

Districts can also use other allowable federal, state, local, and private resources to pay for choice-related transportation. They *may* exceed the 20-percent Title I reserve using these other sources or their school improvement allocation, however, it is not required. If available funds are insufficient to provide transportation to each student requesting a choice transfer, the district must give priority to the lowest-achieving eligible students from low-income families. Districts can also be resourceful. For example, an existing transportation program might be able to serve choice students. Any additional costs can be counted toward the 20-percent requirement. Title V funds can be used for choice-related transportation. Additional funds transferred into Title I or Title V under the NCLB flexibility provision can also be used. Funds transferred into Title I are incorporated into the base used to calculate the 20-percent requirement.

Districts that do not already provide transportation for students may use alternatives, such as reimbursing parents for the cost of transportation or using public transportation.

The “supplement, not supplant” requirement applies to transportation funds. That is, if a state or local law mandates transportation for an existing choice plan, Title I funds cannot be substituted for these mandated services.

- **Supplemental Educational Services:** For schools in need of improvement that have not met AYP for the second consecutive year, the LEA must offer supplemental educational services to eligible students. The LEA must notify parents of the option to request supplemental educational services for their child, however, the parent chooses the supplemental educational services provider for each child. Up to 15 percent of an LEA’s Title I allocation reserve of 20 percent may be used for supplemental services, with a mandatory five percent minimum. LEAs must ensure that some supplemental service providers can serve students with limited English proficiency and disabilities. (A list of approved supplemental services vendors is posted on the NJDOE Web site at <http://www.nj.gov/njded/grants/nclb/policy/>.) See the USDOE Web site for more information on supplemental educational services: <http://www.ed.gov/offices/OESE/SASA/suppsvcsguid.doc>.

Note: Schools in need of improvement that met AYP in their second year of status are not required to offer supplemental educational services.

- **Corrective Action:** For schools in need of improvement that have not met AYP for the third consecutive year, the SEA and LEA identifies the school for corrective action. This identification signifies that the LEA must employ significant interventions to address the school’s continued inability to make AYP. The LEA must continue to:
 - ~ Ensure that all students have the option to transfer;
 - ~ Ensure that supplemental educational services are available to eligible students;
 - ~ Provide, or provide for, technical assistance to the school; and
 - ~ Revise the existing school improvement plan.

Additionally, the LEA must take one of the following corrective actions:

- ≈ Provide for all relevant staff, appropriate scientifically based research professional development that is more likely to improve academic achievement of low-performing students;
- ~ Institute a new curriculum grounded in scientifically based research and provide appropriate professional development to support its implementation;
- ~ Extend the length of the school year or school day;
- ~ Replace the school staff who are deemed relevant to the school not making adequate progress;
- ~ Significantly decrease management authority at the school;
- ~ Restructure the internal organization of the school; or
- ~ Appoint one or more outside experts to advise the school (1) how to revise and strengthen the improvement plan it created while in school improvement status; and (2) how to address the specific issues underlying the school’s continued inability to make AYP.

While a school is in corrective action, the LEA must continue to directly provide technical assistance, or provide for technical assistance from institutions of higher education, educational service agencies or private organizations. Schools in corrective action receive further support from School Support Teams that are developed by the district with oversight and support from the NJDOE.

School Support Teams: Under NCLB provisions, states must use a portion of their reserved Title I, Part A funds to create and maintain a statewide system of intense and sustained support to increase the opportunity for students and schools to meet the State's content and achievement standards. An essential component of the statewide system of support is the establishment of school support teams, a group of skillful and experienced individuals given the responsibility of providing schools in need of improvement with practical, applicable and helpful assistance to increase the schools' ability to make AYP. Team composition may include all or some of the following: highly qualified or distinguished teachers and administrators, pupil services personnel, parents; representatives from higher education; representatives from educational laboratories or regional technical assistance centers; representatives from outside consultant groups and/or other individuals that the SEA, in consultation with the LEA, deems appropriate.

The primary responsibility of the School Support Team is to assist the school in strengthening its teaching and learning practices to increase student achievement. The School Support Team's specific tasks are to:

- ~ Review and analyze all facets of the school's operation, including the design and operation of the instructional program, and use the findings from this review to help the school develop recommendations for improved student performance;
- ~ Collaborate with school staff, LEA staff, and parents to design, implement, and monitor an effective school improvement plan that will help the school meet its improvement goals;
- ~ Monitor the implementation of the school improvement plan and request additional assistance from the LEA or the SEA as needed; and
- ~ Provide feedback at least twice yearly to the LEA and to the SEA, when appropriate, about the effectiveness of the school's personnel and identify outstanding principals and teachers.

LEAs in Need of Improvement

LEA Annual Review: Annually, the SEA must review the progress of each LEA in the state that receives Title I, Part A funds to determine if the LEA's schools are making adequate yearly progress. This process includes a review of schools' academic achievement data as well as graduation rate data for high schools and attendance rate data for elementary and secondary schools. Other factors considered in the review are the LEA's implementation of technical assistance to schools in need of improvement, professional development activities and parental involvement activities. If the review findings indicate that the LEA is not making adequate progress, the SEA must then identify the LEA for improvement.

LEA Improvement – Years One and Two: If an LEA does not make adequate progress for two years it is designated as “in improvement.”

SEA Requirements: Once an LEA is identified for improvement, the SEA must promptly notify the parents of each student in the LEA that the LEA has been identified for improvement. The notification must explain the reasons for the identification, how parents can participate in efforts to improve the LEA and the corrective actions the SEA will take to improve the LEA.

LEA Requirements: Once identified for improvement, the LEA must develop or revise an improvement plan, no later than three months after being identified as in need of improvement. The plan development must occur in consultation with parents, school staff, and other stakeholders.

The purpose of the plan is to address those areas of deficiency in the LEA that directly impact students’ ability to make adequate yearly progress. The plan must also focus on and analyze deficiencies in the areas of school leadership, governance, curriculum and instruction, and fiscal practices. Through the process of developing the plan, the LEA should determine why its previous efforts were not successful and provide a detailed action plan to implement the strategies in the plan. Specifically the plan must:

- ~ Address the fundamental teaching and learning needs of the schools in the LEA, especially the academic problems of low-achieving students;
- ~ Define specific measurable achievement goals and targets for each of the student subgroups whose disaggregated results are included in the State’s definition of AYP;
- ~ Incorporate strategies grounded in scientifically based research that will strengthen instruction in core academic subjects;
- ~ Include, as appropriate, extended day and extended year student learning activities;
- ~ Provide for high-quality professional development for instructional staff that focuses primarily on improved instruction;
- ~ Include strategies to promote effective parental involvement in LEA schools;
- ~ Include a determination of why the LEA’s previous plan/efforts did not result in increased student achievement
- ~ Specify the LEA’s fiscal responsibilities; and
- ~ Detail the required technical assistance that the SEA will provide.

If an LEA makes adequate progress for two consecutive years, the SEA no longer identifies the LEA for improvement.

LEA Corrective Action – Year Three: The SEA must take corrective action if an LEA does not make adequate progress after two years of being identified for improvement. However, if the SEA determines that the current functioning of the LEA is detrimental to the academic success of its school and students, the SEA may identify an LEA for corrective action at any time during the improvement process. Under corrective action, the SEA employs strategies that directly respond to serious instructional, managerial and organization problems in the LEA that decrease students’ ability to achieve proficiency in language arts and mathematics.

SEA Responsibilities: Once an LEA is identified for corrective action, the SEA must promptly notify the parents of each student in the LEA that the LEA is in corrective action. The notification must explain the reasons for being in corrective action, how parents can participate in efforts to improve the LEA the corrective actions the SEA will take to improve the LEA. The SEA must also continue to ensure that the LEA receives technical assistance and take at least one of the following corrective actions, as consistent with State law:

- ~ Defer programmatic funds or reduce administrative funds;
- ~ Institute and fully implement a new curriculum based on State and local content and academic achievement standards that includes appropriate, scientifically based research professional development for all relevant staff;
- ~ Replace the LEA personnel who are relevant to the inability of the LEA to make adequate progress;
- ~ Remove individual schools from the jurisdiction of the LEA and arrange for their public governance and supervision;
- ~ Appoint a receiver or trustee to administer the affairs of the LEA in place of the superintendent and school board; and/or
- ~ Abolish or restructure the LEA.

The SEA may also offer parents the option to transfer their child from a school operated by the LEA to a higher performing public school operated by another LEA that is not identified for improvement or in corrective action.

An LEA may exit from corrective action when it makes adequate progress for two consecutive years following its identification for corrective action.

Public Reporting

Title I, Part A

Not later than the beginning of the 2002-2003 school year, the SEA must prepare and disseminate an annual LEA report card. The SEA may grant one additional year if the LEA demonstrates that exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in its financial resources, prevented issuing the report card within the prescribed time frame. The LEA must disseminate the report card to all parents of students attending the schools in an understandable and uniform format and, to the extent practicable, provide it in a language that the parents can understand. The LEA must also make the information widely available through public means, such as posting on the Internet, distribution to the media, and distribution through public agencies. The LEA may issue a report card for all students. [NCLB §1111(h)(2)(A)]

The report card will include:

- The number, name, and percentage of schools identified for school improvement under NCLB §1116(c) and how long the schools have been so identified.
- Information on school choice, if applicable.
- Information that shows how students served by the LEA achieved on the statewide academic assessment compared to students in the state as a whole.

- The percentages of students not tested.
- Graduation rates, if applicable.
- Professional qualifications of teachers.
- Assessment data that are disaggregated by gender, major ethnic and racial groups, limited English proficiency status, migrant students, children with disabilities as compared with other students, and economically disadvantaged students as compared to those who are not economically disadvantaged. [NCLB §1111(b)]

For each school:

- Disaggregated assessment data compared to state and district.
- Graduation rates, if applicable.
- Whether the school has been identified for school improvement.
- How the students' achievement on the statewide academic assessments and other indicators of AYP compared with that of students in the LEA and state as a whole.

The SEA may include any other appropriate information.

If the SEA provided public report cards on the performance of students, schools, or the district prior to the enactment of NCLB, it may continue to use those report cards, as long as any such report card is modified, as may be needed, to contain the information required by this subsection.

Additionally, districts are required to notify parents if after four weeks, their child is being taught by an instructor who does not possess the qualifications as highly qualified. This requirement is called, "Parent's Right to Know."

Title IV, Part A

The following information must be reported to the public: [NCLB §4112(c)(3)(D)]

- Truancy rates – must be reported on a school-by-school basis.
- Frequency, seriousness, and incidence of violence and drug-related offenses resulting in suspensions and expulsions in elementary schools and secondary schools, reported on a school-by-school basis.
- Types of curricula, programs, and services provided by the chief executive officer, the SEA, LEA, and other recipients of funds under this subpart.
- Incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth in schools and communities.

C. Distribution of Funds to LEAs

Allocations

Notifications of allocation amounts are distributed to eligible LEAs in the spring. For certain covered programs, the LEA notifications include amounts or percentages for eligible private nonprofit schools.

The formula calculations conducted in the spring are calculated using projected charter school data. Final allocations are recalculated for LEAs, charter, and private schools once actual charter school data are available. Any upward or downward adjustments resulting from these final

allocation calculations for the current fiscal year are reflected in the subsequent fiscal year allocation notices. Adjustments are not made during the project period.

The NJDOE distributes grant funds to each eligible LEA that submits an approvable application. Allocations are calculated separately for each of the “covered programs” as detailed below.

Title I, Part A

Basic, Concentration, Targeted, and Education Finance Incentive funds are allocated by the federal government using U.S. Census Bureau data. [NCLB §1124, 1124A, 1125, 1125A] The allocations reflect the numbers of formula children (for each LEA) using poverty estimates.

In New Jersey, final allocations to LEAs are calculated in two ways:

- For districts with resident populations of over 20,000, allocations are based on the USDOE allocation that is then adjusted for state administrative costs and adjustments to fund charter schools and county vocational-technical institutions.
- For districts with resident populations under 20,000, available funds are reallocated using New Jersey Application for State School Aid (ASSA) enrollment and free lunch/free milk data (charter schools and county vocational-technical institutes are included in the under 20,000 population of LEAs for Title I allocation purposes).

Generally, Title I eligibility and Title I allocations are based on the count of poor children who reside in the school attendance zone of a given school. Therefore, an LEA would include in their school count any students who are exercising the choice option and transferring from a school identified as in need of improvement. Title I dollars and services do not follow a child who transfers from a Title I school identified for improvement to a non-Title I school. Once funds are allocated to the district, the district must reallocate funds to the school level, based on poverty rates. Only schools identified as eligible may receive Title I services.

Neglected funds are allocated to LEAs where neglected institutions are located for prevention or intervention programs for children and youth who are delinquent or at risk of dropping out of school. [NCLB §1124]

Title I, Part A – School Improvement

Funds are awarded to schools in need of improvement.

Title I, Part D – Neglected and Delinquent

Title I, Part D funds are directly sent to the three eligible State agencies serving this population; the NJ Department of Corrections, the NJ Department of Human Services and the NJ Juvenile Justice Commission.

Title II, Part A

LEAs first receive the amount that they received in FY 2002 for the Eisenhower Professional Development and Class-Size Reduction programs. The remaining, or excess amount that the state receives for distribution to LEAs, is allocated on the following basis: 20 percent based on

district student enrollment of 5-17 year olds and 80 percent based upon 5-17 year olds in the district from families below the poverty line.

Title II, Part D

Title II, Part D funds are distributed as a formula grant. The formula grant is allocated to eligible LEAs on the basis of each LEA's proportionate share of funds under Title I, Part A for the current year.

Title III, Part A

Funds are allocated to SEAs based on the limited English proficient (LEP) count submitted as part of the ASSA. LEA funding eligibility is based on the number of LEP students enrolled in the LEA. Additional funds are set aside to serve immigrant students.

Districts must qualify for a grant of more than \$10,000 to apply for the funds. If an LEA's allocation is less than \$10,000, the LEA may form a consortium with another district(s) to meet the \$10,000 base. LEAs may also apply in collaboration with a college or university, or a community-based organization; however, LEAs are the lead applicants for a subgrant in all cases. Charter schools must also meet the \$10,000 minimum provision.

Title III-Supplemental Immigrant Student Aid

Under Title III of No Child Left Behind, states are required to set aside a portion of their Title III grant to provide funding to school districts impacted by increased immigrant student enrollment and to help ensure that immigrant children and youth receive enhanced instructional opportunities to help them meet State academic and achievement standards. To be eligible for Title III Supplemental Immigrant Student Aid, local education agencies (LEAs) must meet the following criteria:

1. LEAs must be eligible to receive a grant under Title III, part A, or be part of a consortium that is eligible to receive an award. LEAs must have met the \$10,000 minimum grant amount on the basis of their limited English proficient student enrollment before they can be eligible for supplemental immigrant student aid.
2. LEAs must have provided data to the Office of Specialized Populations in the February 2003 Student Immigrant Count indicating that there were 20 or more public and nonpublic immigrant students enrolled in the district's jurisdiction.
3. LEAs must have demonstrated a 2 percent or greater increase in the percentage of immigrant children and youth enrolled in the public and nonpublic schools in the district in comparing the February 2003 immigrant student count with the average immigrant enrollment reported to the Department of Education in February 2001 and 2002.

Title IV, Part A

Funds are allocated to LEAs based on 60 percent of the relative amount they received under Title I, Part A (Basic and Concentration) allocation from the previous year and 40 percent based on the relative enrollments of public and private nonprofit elementary and secondary schools.

Title V, Part A

In compliance with NCLB §5112, SEA funds designated for distribution to LEAs are allocated based upon two criteria. Seventy percent is distributed per the total student enrollment in public and private schools within the LEA's boundaries; 30 percent is distributed to LEAs based on their count of free-lunch/free-milk students. Data are collected annually using ASSA.

Title VI, Part B (REAP)

An LEA will be eligible to use the applicable funding if it meets the following criteria:

- 1) the total number of students in average daily attendance at all of the schools served by the LEA is fewer than 600 or 2) each county in which a school served by the LEA is located has a total population density of fewer than 10 persons per square mile.
- All of the schools served by the LEA are designated with a school locale code of 7 or 8, as determined by the USDOE.

Title I Capital Expenses

Funds have not been specifically appropriated for capital expenses. Despite the lack of funds for capital expenses, Title I funds may be used to pay for capital expense items such as leasing space, transportation, and mobile vans if these costs are reasonable and necessary. Such costs would be funded using reserves (Administrative Services line) from Title I. Be sure to refer to OMB Circular A-87, Attachment B (as amended May 10, 2004, effective June 9, 2004) for capitalization of certain expenses

D. Accountability

Accountability Provisions

The *No Child Left Behind Act of 2001* maintains the same general accountability structure—based on standards, assessments, AYP, and school improvement—as the 1994 ESEA reauthorization. However, the *NCLB Act* includes the following changes that significantly strengthen that structure:

- Requiring annual assessments to cover all children in grades 3 through 8.
- Tightening AYP requirements by specifying a minimally acceptable rate of progress to ensure that all groups of students—disaggregated by poverty, race and ethnicity, disability, migrant status, and limited English proficiency—reach proficiency by 2014. (See “Adequate Yearly Progress” elsewhere in this section)
- Requiring state and local report cards on progress in helping all students meet challenging state academic standards. (See “Public Reporting” elsewhere in this section.)
- Requiring LEAs to offer students in schools identified for improvement, corrective action, or restructuring, the option of attending a better public school, so that no student is left behind.

- Requiring LEAs to allow students attending chronically failing schools (i.e., failing to make AYP for three or more years) to use Title I funds to obtain supplemental educational services that can help keep them on track to meet challenging state academic standards.
- Mandating the fundamental restructuring of any school that fails to improve over an extended period of time, including reopening the school as a charter school or turning over school operations either to the state or to a private company with a demonstrated record of effectiveness.
- Rewarding schools and teachers that succeed in narrowing achievement gaps or exceeding AYP requirements through Academic Achievement Awards.

Title I

- Requires a single, statewide accountability system for all LEAs and public schools, Title I and non-Title I-funded. LEAs and schools not receiving Title I funds are not subject to the school improvement provisions of NCLB §1116(c), but are subject to State administered/imposed sanctions.
- Tightens the definition of AYP to include annual statewide measurable objectives for improved achievement by all students as well as specific groups, including economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and LEP students. The overall goal is for all students to meet the “proficient” level no later than 12 years after the 2001-02 school year. AYP is based primarily on state assessments. One additional academic indicator is required and other indicators are permitted, but they may not be used to reduce the number or change the identity of schools otherwise subject to improvement under §1116. New Jersey has selected using attendance at the elementary and middle school level and graduation rates at the secondary level. Each student group must meet the statewide achievement goal for a school to make AYP. If a group does not meet the state goal, the school can be considered to have made AYP if the percentage of students in that group not reaching the proficient level falls by at least 10 percent (Safe Harbor). At least 95 percent of each group must participate in state assessments.
- Requires state and LEA report cards to the public no later than the beginning of the 2002-2003 school year. Also requires annual state reports to the USDOE, to be transmitted in summary form to the Congress beginning in 2002-2003.
- Requires the USDOE to withhold 25 percent of funds for state administration from states that have failed to meet the 1994 deadlines for putting in place standards and a system for measuring AYP, and permits the USDOE to withhold an unspecified amount of state administrative funds from a state that fails to meet requirements of the new law.
- Adds “Parent’s Right to Know” provision requiring LEAs to annually notify parents of their right to request information on the professional qualifications of their child’s teachers. Additionally, requires parental notification if after four weeks, their child is being taught by an unqualified instructor.

Parental Notification

There are certain requirements in NCLB for notifying parents of the status of the schools their children attend.

- Schools in Need of Improvement: LEAs must notify parents of all students enrolled in a school identified for school improvement, corrective action, and/or restructuring. The

notification must be in an understandable and uniform format and, to the extent practicable, in a language or other mode of communication the parents can understand. The notification must include the following:

- Explanation of what the identification means and how the school compares in terms of academic achievement to other schools served by the LEA.
 - Reasons for the identification.
 - Explanation of what the identified school is doing to address the problem of low academic achievement.
 - Explanation of what the LEA is doing to help the school address the achievement problem.
 - Explanation of how parents can become involved in addressing the academic issues that caused the identification of the school.
 - Explanation of the choice option or the availability of supplemental education services.
- School Choice: Parents must be notified prior to the start of a school year if the school their child attends is classified as in need of improvement. The parents must be informed of their right to school choice, that is, they can request their child be transferred to another school within the LEA that is not in need of improvement by the beginning of the next school year.
 - Supplemental Educational Services: Parents must be notified of the availability of these services. Parents have the right to select the provider.
 - Dangerous Schools: Parents must be notified if their child attends a school designated as “persistently dangerous” or if their child is a victim of a violent criminal offense (as determined by state law) while on school grounds, that they can request their child attend a safe public school within the district.
 - Instructor Qualifications: Under Title I, parents must be notified at the start of each school year of their right to request information about the professional qualifications of their children’s teachers. Information the LEA must provide includes: 1) the certification and/or licensing status of the teacher; 2) degrees held by the teacher; 3) emergency or provisional status of the teacher, if applicable; and 4) qualifications of any paraprofessionals serving the child. Parents must also be notified if a teacher who is not “highly qualified” is instructing their child for four or more weeks.
 - Limited English Proficient: Parents must be notified within 30 days of the start of the school year that their child has been identified as limited English proficient and in need of instructional services. Notification must be in a language that parents will understand. (More detail is provided in Section III under “Parent Involvement Title III, Part A.”)
 - Assessment Results: LEAs must provide parents information on their child’s achievement level on state academic assessments.

Title I, Part D

- Maintains requirements that SEAs and LEAs evaluate their program at least once every three years, using multiple measures to determine program impact on participants’ achievement, credit accrual, transition from a facility to a regular LEA, and success in completing secondary school and obtaining employment.
- The Subpart 2 program 1) allows an SEA to reduce or terminate a project if an LEA does not show progress in reducing dropout rates over a three-year period; and 2) requires that local

correctional facilities and institutions for delinquents, after receiving assistance for three years, demonstrate that there has been an increase in the number of youth returning to school, obtaining a secondary school diploma or its equivalent, or obtaining employment after these youths are released.

Title II, Part A

- If the SEA determines, based on reports submitted by LEAs describing their performance under the Title I teacher qualification requirements (after these requirements have been in effect for two years), that an LEA in the state has failed to make progress toward meeting its measurable objectives, the LEA must develop an improvement plan to help it meet its objectives. The SEA must provide technical assistance to the LEA and, if applicable, to schools within the LEA while the LEA is developing the improvement plan.
- After an additional year, if the SEA determines that an LEA still has failed to make progress toward meeting its measurable objectives and has failed to make Title I AYP for three consecutive years, the SEA must enter into an agreement with the LEA on the use of the LEA's funds under this program, including developing professional development strategies and activities and prohibiting the use of Title I, Part A funds for any paraprofessional hired after the determination is made.
- In addition, after three years of poor performance, SEAs would also provide funds directly to schools to enable teachers to choose, in consultation with the school principal, the professional development activities in which they would like to participate.

Title II, Part D

- **State and Local** – Requires each state and LEA to develop accountability measures and a process for evaluating the extent to which the activities carried out with program funds are effective in supporting the integration of technology into curricula and instruction.

Title III

- States must establish annual achievement objectives for LEP students that are related to gains in English proficiency and meeting challenging state academic standards and that are aligned with Title I achievement standards.
- States must assure that LEAs comply with the Title I requirement to annually assess, in English, children who have been in the United States for three or more consecutive years. States must hold LEAs accountable for making AYP as described in Title I and meeting all annual achievement objectives.

Title IV

- Requires local prevention programs to meet **principles of effectiveness**. To be funded, programs must be 1) based on an assessment of objective data about the drug and violence problems in the schools and communities to be served; 2) based on performance measures aimed at ensuring that these schools and communities have a safe, orderly, and drug-free learning environment; 3) grounded in scientifically based research that provides evidence that the program to be used will reduce violence and illegal drug use; 4) based on an analysis of the prevalence of “risk factors, protective factors, buffers, assets, or other variables,” identified through scientifically based research, that exist in the schools and communities in

the state; 5) developed to include consultation with and input from parents; and 6) evaluated periodically against locally selected performance measures, and modified over time (based on the evaluation) to refine, improve, and strengthen the program.

- Establishes a new **Uniform Management Information and Reporting System** under which states will provide information on a school-by-school basis to the public on truancy rates and on the frequency, seriousness, and incidence of violence and drug-related offenses resulting in suspensions and expulsions. States must also report to the public on the types of curricula, programs, and services provided by grantees, and on the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth.
- Requires LEAs to implement programs that meet specified principles of effectiveness. In addition, requires LEAs to evaluate periodically their programs to assess progress toward achieving the goal of providing high-quality opportunities for academic enrichment.

Title V

- The law requires submission of data on the use of funds, types of services provided, and students served with a requirement for an annual statewide summary of how the program is improving student achievement or improving the quality of education for students.
- Adds a requirement that local applications include assurances that programs, services, and activities will be evaluated annually.

Title VI

- Requires a participating LEA to administer an assessment that is consistent with the Title I requirements.

E. Financial Accountability

Compliance Supplement A-133

All applicants must be in compliance with federal audit requirements. The *OMB Circular A-133 Compliance Supplement* contains compliance requirements that apply to Department of Education programs authorized under the Elementary and Secondary Education Act (ESEA) and/or subject to the General Education Provisions Act (GEPA).

NCLB applicants must be familiar with the requirements listed in this circular *before* completing the application to incorporate activities allowed, such as Consolidation of Administration Funds, Coordinated Services Projects, and Schoolwide Programs. An LEA's annual audit must meet the criteria listed in A-133.

Circular A-133 is provided at www.whitehouse.gov/omb/circulars/a133/a133.html. There is also a link from the NJDOE Web site: click on "Links" then "OMB Circulars."

Cost Principles – Circular A-87

OMB Circular A-87 Cost Principles for State, Local and Indian Tribal Governments establishes principles and standards for determining costs for federal awards carried out through grants, cost

reimbursement contracts, and other agreements with state and local governments. This circular establishes principles and standards to provide a uniform approach for determining costs and to promote effective program delivery, efficiency, and better relationships between governmental units and the federal government. The principles are for determining allowable costs only. *A-87, Attachment B*, “Selected Items of Cost,” in particular, provides definitions for allowable and unallowable costs.

Circular A-87 is provided at www.whitehouse.gov/omb/circulars/a087/a087-all.html There is also a link from the NJDOE Web site: Click on “Links” then “OMB Circulars.”

F. Highly Qualified Teachers and Paraprofessionals

NCLB imposes the most significant and wide-ranging requirements ever enacted by the federal government on LEAs’ employment and hiring practices. The new regulations affect the qualifications for teachers of core academic subjects and instructional paraprofessionals who are paid in whole or part with Title I, Part A funds. For example, any teacher of a core academic subject hired after the first day of the 2002-2003 school year and teaching in a program supported with Title I, Part A funds must be “highly qualified,” as defined below. (Schools operating Title I schoolwide programs that blend funds must apply these requirements to all teachers and instructional paraprofessionals, since Title I, Part A funds all of these instructors.)

In addition, Title I requires each SEA receiving Title I, Part A funds to develop a plan to ensure that all teachers teaching in core academic subjects within the state are highly qualified not later than the end of the 2005-2006 school year. The SEA also must establish annual measurable objectives for each LEA. Similarly, Title I requires each LEA receiving Title I, Part A funds to develop a plan for ensuring that all teachers are highly qualified no later than the end of the 2005-2006 school year. [NCLB §1119(a)(2),(a)(3)]

Both the LEA and SEA must report annually, beginning with the 2002-2003 school year, on their progress in meeting these performance objectives, which include, at a minimum, 1) an annual increase in the percentage of highly qualified teachers for each LEA and school; 2) an annual increase in the percentage of teachers who are receiving “high-quality” professional development; and 3) an annual increase in the percentage of paraprofessionals who are highly qualified. If an LEA fails for two consecutive years to make progress toward meeting the annual objectives, then the LEA must develop an “improvement plan.” If after the third year of the plan developed under NCLB §1119, detailed above, for increasing the percentage of highly qualified teachers the LEA has failed to make adequate yearly progress (as defined in NCLB §1111(b)(2)(B), the LEA must enter into an agreement with the state on its use of Title II, Part A funds under which the state will do the following:

- 1) Develop (in conjunction with the LEA, teachers, and principals) professional development strategies and activities based on scientifically based research that the LEA will use to meet the state’s annual measurable objectives for improving teacher quality.
- 2) Require the LEA to use these professional development strategies and activities.
- 3) Prohibit the LEA from using Title I, Part A funds for any new paraprofessionals, except under certain limited instances.

In addition to these measures, the state must (in conjunction with the LEA) provide funds directly to one or more schools served by the LEA. The funds for these professional development activities will be taken from the LEA's Title II, Part A allocation. These funds must be used to enable teachers at these schools to choose professional development activities that are coordinated with other reform efforts at the schools.

Highly Qualified Teacher

Under Section 9101(23), a highly qualified teacher is defined as someone who has obtained full state certification as a teacher (including certification obtained through alternative routes to certification) or passed the state's teacher licensing examination, and holds a license to teach in such state.

- When used in respect to a public charter school teacher, the term means that the teacher meets the requirements set forth in the state's public charter school law.
- When used with respect to an elementary school teacher who is new to the profession, it means that the teacher holds at least a bachelor's degree and demonstrated subject knowledge and teaching skills in reading, writing, mathematics, and other areas of the basic elementary school curriculum by passing a rigorous state test (may consist of state-required certification or licensing test, or tests in school curriculum areas).
- When used with respect to a middle or secondary school teacher who is **new** to the profession, it means the teacher holds at least a bachelor's degree and demonstrated a high level of competency in each of the academic subjects in which the teacher teaches by: passing a rigorous state test in each academic area in which the teacher teaches (may consist of state-required certification or licensing test, or tests in each academic area in which the teacher teaches); **or** successful completion, in each subject area in which the teacher teaches, of an academic major, graduate degree, coursework equivalent to an undergraduate academic major, or advanced certification or credentialing.
- When used with respect to an elementary, middle, or secondary school teacher who is *not* new to the profession, it means the teacher holds at least a bachelor's degree and meets the applicable standard listed under the third bullet, with the option for a test **or** demonstrates competence in all the academic subjects in which the teacher teaches, based on a **high objective uniform state standard of evaluation** that meets the following criteria:
 - Is set by the state for both grade appropriate academic subject matter knowledge and teaching skills.
 - Is aligned with challenging state academic content and student academic achievement standards and developed in consultation with core content specialists, teachers, principals, and school administrators.
 - Provides objective, coherent information about the teacher's attainment of core content knowledge in the academic subjects in which the teacher teaches.
 - Is applied uniformly to all teachers in the same academic subject and the same grade level throughout the state.
 - Takes into consideration, but not based primarily on, the time the teacher has been teaching in the academic subject.
 - May involve multiple, objective measures of teacher competency.

Paraprofessionals

NCLB requirements apply to instructional paraprofessionals, including those in early childhood programs, who are paid in whole or part with Title I, Part A funds. The following deadlines apply:

- Paraprofessionals paid in whole or in part with Title I funds and who are hired after January 8, 2002, must meet the new minimum qualifications as a condition of employment.
- Paraprofessionals paid in whole or in part with Title I funds and who were hired prior to January 8, 2002 must meet the new minimum requirements no later than January 8, 2006.
- All paraprofessionals working in a program supported with Title I funds, without exception, must have a high school diploma or equivalent by January 8, 2002.

Note: The receipt of a secondary school diploma (or its recognized equivalent) shall be necessary but not sufficient to satisfy the requirements.

Instructional paraprofessionals include those who perform the following duties:

- Provide one-on-one tutoring, if such tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher.
- Assist with classroom management, such as organizing instructional and other materials.
- Provide instructional assistance in a computer laboratory.
- Provide support in a library or media center.
- Provide instructional support services under the direct supervision of a teacher [NCLB §1119(g)(2)].

Individuals who work in food services, cafeteria or playground supervision, personal care services, noninstructional computer assistance, and similar positions are not considered paraprofessionals under Title I.

New paraprofessionals are required to meet one of the following qualifications:

- Complete at least two years of full-time study as defined by the institution at an “institution of higher education.”
- Obtain an associate’s (or higher) degree.
- Meet a rigorous standard of quality and can demonstrate, through a formal state or local academic assessment either knowledge of, and the ability to assist in instructing, reading, writing, and mathematics; or knowledge of, and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate. Local assessments are not restricted to “paper-and-pencil” exams, but can include a portfolio assessment of qualifications, as approved by the state. They might be entirely written or a combination of written and demonstrated competence. Assessments should be rigorous and objective with clearly defined standards to be met or exceeded.

For *existing* paraprofessionals, LEAs shall ensure that all paraprofessionals hired before the date of enactment of the *No Child Left Behind Act of 2001*, and working in a program supported with Title I funds, shall satisfy the requirements listed above no later than four years after the date of NCLB enactment, that is, by January 8, 2006.

Note: If an LEA does not receive Title I funds, these requirements do not apply. Similarly, if an LEA receives Title I funds, but a school does not receive Title I funds, the requirements do not

apply to paraprofessionals working in that particular school. Additionally, in a targeted assistance school, if the paraprofessional is not paid by Title I funds, these requirements do not apply. All paraprofessionals in a Title I-supported *schoolwide* program are, however, subject to the new paraprofessional requirements, regardless of how the position is funded, because Title I funds support *all* teachers and paraprofessionals in schoolwide schools.

At the end of a two-year program, a paraprofessional must demonstrate knowledge of and the ability to assist with instruction in the academic content areas of reading/language arts, writing, and mathematics, or in reading readiness, writing readiness, and mathematics readiness. [NCLB §1119(c)(1)(C)]

Teacher Supervision

Paraprofessionals providing instructional support must work under the direct supervision of, and in close and frequent proximity with a teacher. This means the teacher prepares the lessons, plans the instructional support activities the paraprofessional performs, and evaluates the achievement of the students the paraprofessional instructs. This applies to paraprofessionals providing Title I-funded services to private school students. These paraprofessionals must meet all the paraprofessional requirements and be under the direct supervision of a *public* school teacher during the Title I activities.

Funding Sources

There are several options available for funding teacher and paraprofessional training:

- As required by Title I, Part A, LEAs must use a minimum of 5 percent of their Title I allocation for professional development activities to ensure teachers and paraprofessionals meet the qualification requirements.
- General Title I funds may be used to support ongoing training for teachers and paraprofessionals.
- Additional Title I funds must be reserved for professional development activities for schools designated as in need of improvement.
- Title II, Part A funds may be used to provide professional development to improve teachers' and paraprofessionals' knowledge and instructional skills in the core academic subjects that they teach.
- Title III, Part A funds may be used for professional development of teachers and other instructional personnel that is designed to enhance the instruction of LEP students.
- Title V, Part A funds may be used for training instructional personnel.

G. Title II, Part D Internet Safety

Title II, Part D incorporates the requirements of the *Children's Internet Protection Act* (CIPA). These requirements apply to elementary and secondary schools that do *not* receive e-rate discounts and for which educational technology funding is used to purchase computers for Internet access, or to pay the direct costs associated with accessing the Internet. The requirements do *not* apply to schools that receive e-rate discounts.

The Certification of Compliance with the CIPA form in the NCLB application must be signed by an LEA's Chief School Administrator and submitted with the completed application. More detail about CIPA is provided in the application directions.

H. Private Schools

The statutory requirements pertaining to private schools are addressed in NCLB §1120 (Title I), §5142 (Title V) and in NCLB (Title IX – General Provisions) §9501 (Part A of Titles I, II-A, II-D, III, and IV), and EDGAR 34 CFR Parts 76.650-662. Additional information may be obtained at the USDOE Office of Nonpublic Education Web site www.ed.gov/offices/OIIA/NonPublic. Educational services and other benefits must be equitable in comparison to public schools. Expenditures must also be equitable. Hold harmless requirements apply to Title II-A to ensure equitable funding for private school students. Services may be provided directly or through contracts with public and private agencies, organizations, and institutions to students, teachers, and other educational personnel.

Nonprofit private schools are eligible to receive services through these programs if the LEA in which the private school is located is eligible and has submitted an approvable application *and* if the private school has completed an NJDOE Nonpublic Enrollment Form. The LEA is responsible for applying for federal funds through the NCLB application, and the private school is responsible for submitting the Nonpublic Enrollment Form on which the allocation information is based. Questions regarding the Nonpublic Enrollment Form should be directed to John Lally, Office of Program Support Services (609-984-7814). For Title I, private schools are required to report poverty level data directly to the LEA. This data is used in the calculation of eligible school attendance areas.

Except for Title V, if an LEA chooses not to participate in the program, the law does not provide a vehicle for affording services to teachers and children in private schools located in the LEA. Nor does the program statute authorize the NJDOE to reallocate funds to another LEA for purposes of allowing participation of teachers and children at private schools located in a nonparticipating LEA. For Title V, the private school may notify the NJDOE that it wishes to receive Title V services, per NCLB §5142(a) (2). If eligible private schools refuse funds for Title I or Title II-A, the LEA can use these funds for public school use.

Consultation

LEAs are required to conduct timely and meaningful consultation with private schools regarding the development of the NCLB application and to provide equitable services to teachers and children in private schools choosing to participate in these programs. Consultation requires meetings between the LEA and private schools. LEAs are required to maintain written affirmations signed by officials of each private school eligible for services and to submit copies of the signed Affirmation of Consultation forms with the application. The services or benefits provided are under the control and supervision of the LEA and must be secular, neutral, and non-ideological. The LEA application should incorporate services provided to private schools in all aspects of the application, including the program plan and budget. In providing equitable participation of private schools, the LEA should consider the following:

- How the needs will be identified.

- What services will be offered.
- How, where, and by whom the services will be provided.
- A thorough analysis of third-party providers.
- How the services will be assessed and how the evaluation of results will be used to improve services.
- The size, scope, and amount of funds for equitable services.
- How and when consultation and decision-making occurs.

The private schools have a responsibility to actively participate in the development of the program plan, its objectives, activities, and evaluation methods. Appendix C of this manual has more specific information regarding each program. Consultation with private schools and the LEAs must occur prior to the approval of the application by the LEA's Board of Education and shall continue throughout the implementation and assessment of the grant activities.

The private schools are also responsible for providing input to the LEA in the development of the budget for the funds allocated to benefit the private school. The LEA administers funds. These funds may be spent only on allowable activities for each Title. At the end of the project period, private schools that have received services must report an evaluation of the activities to the LEA that will include this information in the subsequent year's planning. At the end of the grant period, any unexpended funds that were designated for services to the private schools may be carried over and utilized in the following fiscal year *only* by the specific private school or refunded to the SEA. (A Carry-Over Application must be submitted and approved by NJDOE.)

Charter Schools are exempt from the private school consultation requirement because the public school is responsible for the private students that reside in the jurisdiction.

Private School Policies

The following policies have been established regarding changes in private school status:

- **For private schools that have closed:** Private schools are required to notify the LEA providing services and the NJDOE, Office of Program Support Services, Nonpublic School Services prior to closing. LEAs will not receive allocations for private schools that have closed within their geographic boundaries. LEAs desiring to receive funds for students transferring to private schools within their jurisdiction from private schools that have closed will be considered on an individual basis, depending on availability of funds. For private schools that have closed in the LEA's jurisdiction, during the consultation meeting, the operating private school representatives should advise the LEA if any students from closed private schools are now attending its school. In this case, the LEA may redistribute the fair portion of the closed private school funds for these transferred students. Otherwise, LEAs must make a formal request in writing and provide supporting documentation to the Office of Program Support Services.
- **For private schools not listed on the LEA allocation notice:** Funds generated by pupils attending private schools not listed on the LEA allocation notice will be allocated to LEAs only if the private school submits a Nonpublic Enrollment Form, including a nonprofit tax identification number. This form must be completed in accordance with the procedures and timelines of the Office of Program Support Services. No funding will be calculated for schools that have not submitted a Nonpublic Enrollment Form.

Title I Services for Children in Private Schools

The LEA must offer Title I services to eligible children enrolled in private elementary and secondary schools on an annual basis. The educational services and other benefits for such private school children will be equitable in comparison to services and other benefits for participating public school children. In the provision of Title I services to nonpublic school students, the LEA's responsibilities are to:

- ~ Provide timely and meaningful consultation that includes the input of appropriate nonpublic school officials during the design and development of the LEA's program for participating nonpublic school students;
- ~ Provide timely, equitable special education services or other programs and services to eligible nonpublic school students;
- ~ Ensure equitable participation of the teachers and families of participating nonpublic school students;
- ~ Ensure that the expenditure of funds for total eligible nonpublic students is equal to the amount of funding as determined by the number of low-income nonpublic school students;
- ~ Provide programs and services to nonpublic school students that are equitable in comparison to the programs and services the LEA provides to public school students participating in Title I programs;
- ~ Ensure that the teachers and families of nonpublic school students participate in professional development and parent involvement activities on a basis equitable to the participation of teachers and families of public school students;
- ~ Consult with nonpublic school officials to conduct professional development and parent involvement activities for the teachers and families of nonpublic school students, and to determine and appropriate method of delivery;
- ~ Provide services that supplement, not supplant, services that would be available to nonpublic school students without the use of Title I funds
- ~ Use Title I funds to meet the needs of participating special education students in nonpublic schools; and
- ~ Maintain the title and administrative control of property, supplies and equipment that the LEA purchases with Title I funds to benefit eligible nonpublic school students.

The LEA is responsible for contacting the private schools in writing and consulting with the private school officials before the LEA makes any decision that affects the opportunities of eligible private school children to participate in programs under this part (see application directions for a sample letter). Such consultation will include a discussion of service delivery mechanisms an LEA can use to provide equitable services to private school children. The consultation must include, minimally:

- ~ The process for identifying the needs of eligible nonpublic school students;
- ~ The services the LEA will offer eligible nonpublic school students;
- ~ The timeframe in which the LEA will make decisions about the delivery of services to nonpublic students;
- ~ How the LEA will make decisions about the delivery of services to nonpublic school students;
- ~ How services will be provided to eligible nonpublic school students;

- ~ Who will deliver the services to eligible nonpublic school students;
- ~ Where eligible nonpublic school students will receive the services;
- ~ How the LEA will evaluate the academic services provided to nonpublic school students;
- ~ How the LEA will use evaluation outcomes to improve the delivery of Title I services to nonpublic school students;
- ~ The extent of the services the LEA will provide to eligible nonpublic school students;
- ~ The proportion of funds the LEA will allocate for services to nonpublic school students;
- ~ The data method or sources used to determine the number of eligible nonpublic school students residing in the participating public school attendance area. If the LEA uses a survey, it must indicate whether data will be extrapolated.
- ~ The equitable services the LEA will provide to the teachers and families of participating nonpublic students.

Additionally, consultation must:

- ~ Include appropriate nonpublic school officials;
- ~ Occur prior to LEA decisions that will impact the opportunity of eligible nonpublic school students to participate in Title I programs;
- ~ Continue throughout the implementation and evaluation phases of the Title I program;
- ~ Thoroughly consider and analyze the perspectives of nonpublic school officials on contracting with a third-party service provider;
- ~ Provide a written explanation to nonpublic school officials why the LEA disagrees with nonpublic officials on the delivery of services by a third party provider;
- ~ Ensure that appropriate records and documentation, including a written affirmation attesting that the LEA conducted the consultation process in the required manner. The affirmation must include the signatures of nonpublic school officials or appropriate representatives. If the private school officials do not submit the affirmation in a reasonable period of time, the LEA must provide the SEA with documentation that the consultation did occur

Determining Student Eligibility: Once the participating public school attendance areas have been established, under §1113(c) of Title I, an LEA calculates the per-pupil expenditure (PPE) for each participating public school attendance area. Then, based on the total number of children from low-income families residing in each attendance area attending either public or private schools, the LEA calculates the total amount of funds for each area. From this amount, the LEA reserves an amount of funds for the private school children (equal to the PPE multiplied by the number of low-income private school students in the area) to provide equitable services to eligible private school participants.

Thus, an LEA, in consultation with private school officials, must obtain the best available poverty data on private school children residing in participating public school attendance areas. Because private school officials may have access to poverty information not easily accessible to public school officials, it is important that public and private school officials consult and cooperate in this effort (see the Application Appendices and Worksheets for sample letters, surveys and United States Department of Agriculture income eligibility guidelines).

Methods to Collect Poverty Data on Children in Nonpublic Schools: Section 1120(c)(1) of

the Title I statute and §200.78(2) of the regulations allow an LEA to calculate the number of children who are from low-income families and attend private schools in several ways:

1. Using the same measure of poverty. *If available, an LEA should use the same measure of poverty used to count public school children, e.g., free and reduced price lunch data.*
2. Using comparable poverty data from a survey and allowing such survey results to be extrapolated if complete actual data are unavailable.
 - a. *In order to obtain the number of private school children from low-income families, an LEA may use a survey to obtain poverty data comparable to those used for public school students. To the extent possible, the survey must protect the identity of families of private school students. The only information necessary for an LEA to collect in such a survey of private school children is- -*
 - (1) geographic information verifying residence in a participating public school attendance area;
 - (2) grade level of each child; and
 - (3) income level of parents.

An LEA should not require that the private school officials give the names of low-income families.

- b. *After obtaining income data from a representative sample of families with children in private school, an LEA may extrapolate those data to the entire private school student population if complete actual data are unavailable. The LEA should take care to ensure that the data are truly representative of the private school students in the district.*
3. Using comparable poverty data from a different source. *If data from the same source used for public school children are not available, an LEA may use poverty data for private school children that are from a different source than the data it uses for public school children so long as the income threshold in both sources is generally the same.*

For example, an LEA uses free and reduced price lunch data but private school children do not participate in the free lunch program; however, private school officials are able to provide an LEA with a count of children who are from low-income families using other sources of poverty data such as Temporary Assistance to Needy Families (TANF) or tuition scholarship programs. If the different sources use different definitions of low-income, an LEA would need to adjust the results accordingly.

4. Using proportionality. An LEA may apply the low-income percentage of each participating public school attendance area to the number of private school children who reside in that school attendance area. To do this, an LEA will need the addresses and grade levels of those students attending private schools.
 5. Using an equated measure. *An LEA may use an equated measure of low-income by correlating sources of data—that is, determining the proportional relationship between*

two sources of data on public school children and applying that ratio to a known source of data on private school children. For example, an LEA uses free and reduced-price lunch data, but those data are not available for private school students. However, if TANF data are available, the LEA could determine an equated measure of poor students in private schools based on free and reduced-price lunch data by correlating the two sets of data as follows: TANF in the public school is to free and reduced price-lunch as TANF in private schools is to “X.”

$$\frac{\text{TANF (public)}}{\text{Free \& reduced price lunch (public)}} = \frac{\text{TANF (private)}}{\text{X (private)}}$$

In this example, the LEA may then use the equated number of private school students based on free and reduced-price lunch data (“X”) as the number of poor private school students

The LEA is required to maintain documentation of the consultation with private school officials. The response to the invitational letter by each private school must be maintained in the district to document such consultation each year. Responses from private schools refusing Title I funds only should be kept in the district. These letters do not need to be included with the application.

Section 1120(a)(4) of the Title I statute permits an LEA to determine the number of children from low-income families who attend private schools "each year or every 2 years." An LEA should consult with appropriate private school officials about the availability of poverty data on private school students and by this process determine whether it would be more feasible to collect annually or biennially.

Under the law, districts allocate funds to all schools based on poverty criteria. If the same criteria of poverty are not available, then the LEA must collect similar data that is comparable and can be documented. These data may be obtained through the use of a survey. The NCLB application appendices contain a sample survey form and an accompanying sample letter that may be sent to private school parents.

The expenditures for educational services and other benefits to eligible private school children will be equal to the proportion of funds allocated to participating school attendance areas, based on the number of children from low-income families who attend private schools. The LEA may provide educational and other services directly or through contracts with public and private agencies, organizations, and institutions.

Program Specifics

Title I

Eligible LEAs receiving Title I funds are responsible for providing services to *all* eligible private school students residing in the eligible school attendance area. Title I funds for private school children are included in the total allocation to LEAs. The LEA determines the amount of funding for private school children based on the number of poverty-level private school children who reside in eligible public school attendance areas.

Special Rule

If an LEA chooses not to serve an eligible school attendance area, the number of children attending private elementary and secondary schools who are to receive services under Title I, Part A must be determined without regard to whether the public school attendance area in which the children reside received Title I funds.

Title II, Part A

Professional development services to teachers must be offered to private nonprofit schools. If the LEA uses funds for professional development activities, private schools must be provided an opportunity to equitably participate in such activities.

Participation is considered to be equitable if the LEA 1) assesses, addresses, and evaluates the needs and progress of both groups of teachers in the same manner; 2) provides, in the aggregate, approximately the same amount of training, and where appropriate, instruction, to teachers with similar needs; 3) spends an equal amount of funds to serve similar public and private school teachers; and 4) provides private school teachers with an opportunity to participate in Title II, Part A program activities equitable to the opportunity provided public school teachers. There is no authority for allowing nonpublic school teachers to receive services if the LEA elects not to participate in the program.

According to NCLB §9501(b)(3)(B), LEAs are required to use the same amount of funds for professional development that was used in the FY 2002 Title II and Class-Size Reduction programs. The percentage of funds required for private school professional development activities for each eligible private school is provided on the Title II, Part A allocation notice. This hold harmless amount ensures private schools' equitable participation in professional development activities. A worksheet to calculate this figure is provided in the NCLB Application Appendices and Worksheets.

An LEA must contact all eligible private schools every year, even those who have not participated in the past. LEAs may request documentation from private school officials to help them identify services that may be appropriate to the needs of private school teachers. A formal application, however, may be deemed inappropriate, depending upon its form and content. An LEA, in consultation with the private school representatives, should develop a separate program for private schools if their needs differ from the LEA's.

Title II, Part D

Title II- D allocates funding specifically for supporting the integration of technology into the curricula and instruction. Funding is specified for ongoing, sustained, high quality professional development specifically related to educational technology. Private school consultation must occur and funding must be used to support teaching and learning.

Title III, Part A

Title III allocates funds for limited English proficient students (LEP) and immigrant students enrolled in private schools. Allocations are based on the reported numbers of LEP students enrolled in the private schools based on the Nonpublic Enrollment Form. As in other titles, students and teachers in nonprofit private schools are eligible to participate in these programs if

the LEA in which the private school is located is eligible and has submitted an approvable application or is part of a consortium. Allocations are calculated on a per-pupil basis.

Title III also provides supplemental funds for immigrant students. In order to be eligible for services, private schools must report their number of enrolled immigrant students to the LEA during the annual February immigrant count. Only LEAs that have experienced a 2 percent increase in the number of immigrant students, as compared to the average of the two preceding years, and have met the \$10,000 Title III minimum grant requirement are eligible to receive supplemental immigrant funds.

Titles IV, Part A and Title V, Part A

For Titles IV-A and V-A, an allocation amount based on enrollment and poverty is calculated for each eligible private school located within the geographic boundaries of the LEA. This amount is included on the allocation notice mailed to each LEA.

Title V, Part A

Equitable participation provisions of Title V, Part A require the LEA to spend equal per-pupil amounts for services to public and private school students. The funds must benefit the specific needs of private school students, not the private school or general needs of students enrolled in the private schools.

The services, materials, and equipment that an LEA provides for private school students must be secular, neutral, and nonideological; the LEA should obtain from the appropriate private school official a written assurance to this effect. The LEA should ensure that private school personnel will be informed as to these limitations, and that they will be used to supplement, not supplant. The title to any equipment and materials purchased with Title V, Part A funds must remain in a public agency and not be transferred to a private school. The materials and equipment should be clearly marked as property of the LEA and the LEA should maintain an up-to-date inventory. Periodic monitoring by the LEA is also suggested and any violations on use of materials and equipment should be immediately corrected.

Services may be provided either directly or through a contractor, which may be a person, association, agency, or corporation, but independent of the private school or any religious organization. The LEA must supervise and have ultimate control over any contractor hired.

LEAs may not use funds for class-size reduction purposes in a private school; however, they may use funds to provide professional development for private school teachers.

According to NCLB §5142(a)(2), if an LEA refuses to participate, the private school should notify the NJDOE that it wishes to participate. NJDOE will make arrangements for the provision of services and materials (through contracts with nonprofit agencies or organizations) to the same extent as would have occurred if the LEA participated.

Public Control of Funds and Property

LEAs may *not* turn funds over to the private schools and allow the private school to oversee their use. The LEA must administer funds, retain control over the funds, and retain equipment, materials, and property that are purchased with federal funds. [NCLB §9501(d)] The services and personnel or agencies providing services to private school children must be under the control and supervision of the LEA. Personnel employed by or under contract with the LEA must provide services to private school children. The services must be provided independent of the private school and of any religious organization. These funds must not be commingled with nonfederal funds.

On June 28, 2000, the United States Supreme Court issued its decision in *Mitchell v. Helms*. It ruled that Title VI (now Title V) services, materials and equipment provided for private school students must be secular, neutral, and nonideological. [NCLB §9501]

Title to real property and nonexpendable personal property (tangible personal property having a useful life of more than one year and an acquisition cost of \$2,000 or more per unit) purchased by LEAs partly or wholly with federal funds will be vested in the LEA until the assets are no longer available for use in the federally sponsored program, or used for purposes not authorized by the state grantor agency. At that time, federal and state equitable interest will be refunded to the state in the same proportion as the federal and state participation in its costs of acquisition. [EDGAR 34 CFR §80.32]

Complaint Process

Parents, teachers, or other individuals and organizations may file a complaint concerning violations of private school legislation, rules, and regulations to NJDOE, Office of Program Support Services . A written resolution will be provided within 30 days of receipt of the complaint. This resolution may be appealed to USDOE.

I. Title IX – General Provisions

Title IX includes many provisions that apply to some/all of the NCLB programs, such as definitions, flexibility provisions relating to consolidated plans and use of administrative funds, waivers, uniform provisions, and limitations on the federal role in education. Summarized below are some of the more significant new general provisions.

Constitutionally Protected School Prayer – To qualify for funding, each LEA must certify in writing by October 1 of each year to the SEA that it has no policy that prevents constitutionally protected prayer in the public schools. By November 1 of each year, the SEA is required to forward a list of LEAs that have not filed the required certification or those against which complaints have been made. This provision is outlined in guidance published by USDOE by September 1, 2002 and every second year thereafter. The USDOE is directed to bring enforcement action against any LEA that fails to submit the required certification or that provides its certification in bad faith. The school prayer assurance is included in the consolidated application. [NCLB §9524]

Equal Access to Public School Facilities – Prohibits an SEA, LEA, or public school that receives funds from the USDOE and permits outside youth or community groups to meet on school premises before or after school from denying equal access to those facilities to the Boy

Scouts or any other youth group listed as a patriotic society in title 36 of the United States Code based on the group's membership criteria or oath of allegiance. [NCLB §9525]

General Prohibition of Use of Funds – NCLB funds cannot be used to develop/distribute materials or operate programs that promote or encourage sexual activity; distribute legally obscene materials to minors on school grounds; provide sex education or HIV prevention education unless such instruction is age-appropriate and includes the health benefits of abstinence; or operate a program of contraceptive distribution in schools. [NCLB §9526]

Armed Forces Recruiter Access – Requires each LEA that receives funds under the ESEA to provide, on request by a military recruiter or an institution of higher education, access to the names, addresses, and telephone listings for secondary students. However, parents may request that such information not be released for their child without prior written parental consent. LEAs must give military recruiters the same right of access to secondary students as they provide generally to postsecondary institutions and prospective employers. [NCLB §9528]

Unsafe School Choice Option – Requires each state that receives ESEA funds to implement a statewide policy that offers to the parents of each student who attends a “persistently dangerous” public school (as determined by the state), or “who becomes a victim of a violent criminal offense” (as determined by state law) while on school grounds the option to attend a safe public school within the same LEA. [NCLB §9532]

J. Title VI, Part A – Local Flexibility Demonstration

According to Title VI, Part A, Subpart 3, Chapter B, the USDOE may enter into performance agreements with up to 80 LEAs to enable them to consolidate funds received by formula under the following: 1) Teacher Quality State Grants; 2) Educational Technology State Grants; 3) Innovative Programs; and 4) Safe and Drug-Free Schools Programs for a Demonstration Program. Not more than three LEAs will be selected from each state.

Selected LEAs must disseminate widely, and transmit to the USDOE and the SEA, a report on how it used the consolidated funds to improve student achievement and reduce achievement gaps.

STATE REGULATIONS AND PRIORITIES

A. State Statutes and Regulations

- *N.J.A.C. 6A:24* provides requirements for *Urban Education Reform Regulations in the Abbott Districts*.
- *N.J.A.C. 6A:8* mandates Standards and Assessment for Student Achievement.
- *N.J.A.C. 6A:17-3* sets forth requirements for educational programs and services to children and youth confined to state facilities.
- *N.J.S.A. 18A:40A et seq.*, *N.J.A.C. 6A:16-3 et seq.* and *N.J.A.C. 6A:16-4 et seq.* provide standards for alcohol, tobacco, and other drug activities.
- *N.J.A.C. 6A:16-7* provides standards for intervention and referral services for general education pupils.
- *N.J.A.C. 6A:30 et seq.* specifies the procedures for the Evaluation of School Districts.
- New Jersey Chapters – Public Law 127 and 128 and *N.J.A.C. 6A:16-5 et seq.* and *N.J.A.C. 6A:16-6 et seq.* provide standards for firearms and assaults with weapons offenses; *N.J.A.C. 6A:16-57 et seq.* provides standards for assaults; and *N.J.A.C. 6A:16-6 et seq.* provides regulations for law enforcement operation for substances, weapons, and safety.
- *N.J.A.C. 6A:16-10* provides standards for reporting child abuse and neglect.
- *N.J.A.C. 6A:16-8 et seq.* sets forth requirements for alternative education programs and *N.J.A.C. 6A:16-9 et seq.* provides standards for home or out-of-school instruction for general education students.
- *N.J.A.C. 6:8 et seq.* defines a “thorough and efficient” education for public school students in the state of New Jersey.

B. Core Curriculum Content Standards

In accordance with the *New Jersey Administrative Code (N.J.A.C.)* Title 6A, Chapter 8, the Core Curriculum Content Standards (CCCS) in nine content areas were revised, approved and adopted by the State Board of Education in spring 2004.

The nine content standards include the following: visual and performing arts; comprehensive health and physical education; language arts literacy; mathematics; science; social studies; world languages; technological literacy; and career education and consumer, family and life skills.

The standards revision process was part of an overall plan that included the creation of a long-term assessment plan that meets both state and federal objectives, the development of amendments to the standards and assessment regulations that codify the assessment plan, new high school graduation requirements, and alignment of the regulations to new federal requirements under Title I.

Both the original 1996 Core Curriculum Content Standards and the revised standards in language arts literacy, mathematics, science and the other content areas are in accordance with Title I, Part A of the ESEA. These standards are mandated for *all* elementary and secondary school students

in public education institutions within the state, including children served by Title I, Part A of ESEA. As stated in the *New Jersey Administrative Code (N.J.A.C.)* Title 6A, Chapter 8, these standards:

- Define what all students should know and be able to do by the end of their public school education; and
- Enable district boards of education to establish curriculum and instructional methodologies for the purpose of providing students with the constitutionally mandated system of “thorough and efficient” public school instruction.

Copies of the CCCS and the draft revisions can be found on the following NJDOE Web site:

www.state.nj.us/njded/stass/

C. Aligned State Assessments

The statewide assessment system is an important part of New Jersey’s standards-based reform initiative. A comprehensive assessment program aligned to the CCCS provides students, teachers, and parents with important information about student achievement. The New Jersey assessment program is currently designed to test students in the state in grades 3, 4, 8, and 11. Grade 3 assessments were field tested in 2003 and used a benchmark test in 2004. The grade 3 assessment will be used for accountability purposes beginning in 2005. Additional assessments for grades 5, 6 and 7 in language arts literacy and mathematics will be implemented beginning in 2006.

The NJ ASK 4 program replaces the ESPA previously administered to NJ fourth graders, and continues the state's support of NCLB. NJ ASK 3 launched New Jersey's initial effort to assess third graders. NJ ASK 3 and NJ ASK 4 are administered in March of the school year. The testing times and test formats are similar to ESPA, including calculator use and open-ended items for mathematics and open-ended items for language arts literacy at both grade levels.

The Elementary School Proficiency Assessment (ESPA) was given to New Jersey’s fourth-grade students for the first time in 1999. The Grade Eight Proficiency Assessment (GEPA) and the eleventh-grade High School Proficiency Assessment (HSPA) have replaced, respectively, the Early Warning Test (EWT) and the High School Proficiency Test (HSPT). The GEPA, which includes a science component, was administered for the first time in 1999 and the HSPA in 2002. Achieving proficiency on each content area, language arts literacy (LAL) and mathematics, is required for a high school diploma in New Jersey, as passing the HSPT has been previously. In accordance with the requirements of the No Child Left Behind Act (NLCB), New Jersey will be administering science assessment in two additional benchmark levels, grade 4 and grade 11, by 2005-2006.

For all assessment programs, student scores place them in one of three proficiency bands - advanced proficient, proficient, or partially proficient. Students in the proficient range of scores have demonstrated the skills necessary for achieving New Jersey’s content standards. Students with scores in the advanced proficient range have exceeded expectations set forth by the core standards. Students with scores in the partially proficient range have not met expectations as set forth in the core standards and may need remedial instructional assistance.

The state uses assessment results in the determination of AYP baselines. NCLB allows reasonable adaptations and accommodations for students with disabilities and for LEP students. New Jersey allows for a number of accommodations for students with special educational needs and with limited English Proficiency. Additionally, the Alternate Proficiency Assessment (APA) is administered to students with severe cognitive disabilities who cannot access the general statewide assessments. The APA is a portfolio assessment and was administered for the first time in the 2001-2002 school year.

D. State Educational Priorities

The NJDOE is required by the USDOE to adopt its five performance goals and associated performance indicators as the basis for New Jersey's consolidated state plan application to the USDOE and this consolidated application for LEAs. The development of this application is intended to encourage program coordination and collaboration, shared decision-making, and comprehensive planning to advance systemic improvement in New Jersey's schools. Local and state initiatives are to be coordinated with and enhanced by these federal grant funds.

Monitoring Federal Formula Programs

The NJDOE monitoring of federal formula grant programs consists of the following:

- Integration with the state monitoring system.
- Title I audit.
- Single audit.
- LEA Final Reports.

State Monitoring System

In compliance with New Jersey state law, *N.J.S.A. 6:8, Subchapter 4 – Procedures for the Evaluation of the Performance of Each Public School District*, LEAs are evaluated for certification every seven years based on specific criteria and indicators that include test scores, attendance rates, finance, and facilities with limited on-site monitoring. Those LEAs that meet student performance standards and demonstrate compliance with other standards are recertified.

Group 2 Districts: LEAs that do not meet the performance criteria are classified as Group 2 districts. These districts are subject to a more intensive on-site monitoring of all evaluation areas by NJDOE staff. This review also involves on-site monitoring of NCLB funded programs in the consolidated grant.

Corrective Action: For each Group 2 LEA that has not met the intensive monitoring standards, technical assistance is provided for local development and implementation of a corrective action plan. Each of these LEAs is classified as "conditionally certified." If the LEA does not meet the criteria as specified in the corrective action plan within a specified time or if the LEA needs additional assistance, it is classified as a "Level II" district. An external review team then reviews each LEA. The LEA, parents, and the external review team then develop another corrective action plan. Intervention by NJDOE becomes progressively more intensive.

After a specified period of time, and if the LEA is still not in compliance with its corrective action plan, the NJDOE may direct the LEA to a "Level III" monitoring. Under this designation,

the NJDOE Commissioner directs the LEA to take additional corrective action. If the LEA does not comply with the directive, NJDOE may elect to take over the operations of the LEA and determine AYP criteria. An LEA in this category is reviewed annually, at a minimum, and more frequently if indicated in the corrective action plan.

Title I Audit

The NJDOE Single/Grants Audit Unit in the Office of Compliance Investigation conducts annual audits of a pool of LEAs receiving Title I funds on a rotating basis. Selection of LEAs is based on LEA fiscal issues identified by the program and grants offices.

The Title I audit consists of a review of board minutes, final expenditure reports, a selected sample of expenditures for allowable costs and salaried staff, benefits for salaried staff, maintenance of effort, comparability, general purchases, equipment, and LEA policy statements. If issues are identified during the examination of the fiscal operations of the LEA, a letter is sent to the LEA's Board President, with copies to the Chief School Administrator, Business Administrator, Board Secretary, and Program Director, advising the LEA that it is required to publicly review and discuss all the findings and recommendations at its next board meeting. Additionally, each board member must be provided with a copy of the full report. The board is expected to address each audit finding by either submitting a corrective action plan or by filing an appeal.

The LEA is required to issue a response to NJDOE using the process outlined in the "Procedures for LEA/Agency Audit Response, Corrective Action Plan and Appeal Process." A certified copy of the board minutes indicating when this matter was considered must accompany the LEA response. Additionally, the LEA's auditor is requested to comment on all areas of noncompliance and recommendations in the next certified audit submitted to the NJDOE.

Upon receipt of the LEA response, the Office of Compliance Investigation reviews the submission. A determination is made to accept or reject the planned corrective action. The LEA is notified of this determination in writing. The LEA would then take any additional action that is prescribed.

LEA Single Audit

Each LEA that receives federal formula funds must obtain an annual audit, subject to the state's single audit requirements. The State of New Jersey has issued *Circular Letter 93-05, Single Audit Policy for Recipients of Federal Grants, State Grants and State Aid*. The Department of Treasury has issued a fourth update to the supplement to include the most recent compliance requirements.

The compliance supplement identifies areas for review by the independent auditors. Each requirement is accompanied by suggested audit procedures to test for compliance. In general, not complying with these requirements may materially affect the funded programs. The compliance requirements and accompanying "Suggested Audit Procedures" fall into five categories:

- 1) Types of Services Allowed or Unallowed.
- 2) Eligibility.
- 3) Matching, Level of Effort.
- 4) Reporting Requirements.
- 5) Special Tests and Provisions.

LEAs are required to submit their single audit to NJDOE annually. The audits are reviewed by NJDOE for identified noncompliance issues.

LEA Final Reports

NJDOE is responsible for fiscal and program oversight of the federal grant programs. As such, all grants must be closed out with an annual final reporting of expenditures for the approved program objectives and activities. More information about Final Reports is presented in the “Program Structure” section of this manual.

Abbott Districts

Abbott Implementation: Improving Standards-Driven Instruction and Literacy in Abbott Districts

Each Abbott district must develop a three-year operational plan to address the requirements in *N.J.A.C. 6A:10A* and that is consistent with NCLB. The district’s three-year plan must include the priorities agreed to by the district and the department at face-to-face meetings, generally held in the fall prior to the submission of the district’s budget. All programs and services included in the district’s plan must be based on need, evidence and the district’s priorities. In addition, schools must develop three-year plans and annual school budgets that are: based on need, supported by evidence, consistent with NCLB and aligned with the district’s plans.

Federal funds in this consolidated grant are to be blended at the school level. To blend these federal funds, a school must be approved as a Title I School-wide Program. This designation permits schools to combine federal funds, providing that the intent and purpose of each federal program is met.

Schools identified as low-performing implement the Intensive Early Literacy (IEL) program pursuant to *N.J.A.C. 6A:10A-3.2(c)*. The IEL core program includes curriculum and instruction that address the following: the Core Curriculum Content Standards (CCCS); on going literacy assessment of students’ needs; an emphasis on small-group instruction in designated learning centers; at least a 90-minute uninterrupted literacy block; and a classroom library of at least 300 titles that meets the needs of all students. High-performing schools have the option of retaining or discontinuing implementation of their whole school reform model. Schools that are dissatisfied with their whole school reform models, or whose models have failed to improved student performance, may write to the Commissioner documenting their dissatisfaction with their models and request approval for the implementation of an alternative whole school reform model.

PURPOSE AND PROCESS OVERVIEW

A. Purpose

The *No Child Left Behind Act of 2001*, a reauthorization of the Elementary and Secondary Education Act (ESEA)/Improving America's Schools Act (IASA), was signed by President Bush on January 8, 2002. NCLB continues many of the goals set forth in IASA and also incorporates additional principles and strategies for strengthening the preK-12 academic environment. The measures included in NCLB require the following: increased accountability for all responsible authorities—states, school districts, and schools; greater school choice for parents whose children are attending low-performing schools; more flexibility for states and LEAs in their use of federal education dollars; and a focus of resources on proven educational methods, particularly relating to early reading programs.

These new principles and strategies, as outlined below, are designed to produce fundamental reforms in classrooms throughout the United States. The Act provides officials and educators at the school, school district, and state levels substantial flexibility to plan and implement school programs that will help close the achievement gap between disadvantaged students and their peers. At the same time, NCLB holds school officials accountable to parents, students, and the public for achieving results. These and other major changes to the ESEA redefine the federal role in preK-12 education to better focus on improving the academic performance of all students. The full text of this law may be found on the Internet at <http://www.ed.gov/offices/OESE/esea/index.html>.

NCLB recognizes that all children can achieve to the same high standards when taught by highly qualified teachers using proven methods in an appropriate learning environment. All students must be given the educational opportunity to reach those standards. Successful student academic performance is built on the following four NCLB pillars of reform:

- **Accountability:** Schools are held accountable for their progress in student performance and achievement for all students and subgroups of students. Districts and schools must set clear, high standards, regularly assess children on their performance, and communicate the results to the public.
- **Choice:** Schools must provide a learning environment that is safe and drug free, and conducive to learning, and parents have the option, when this environment is not present, to move their child to another school within the district or seek supplemental educational services.
- **Flexibility:** Communities have more options to determine how to best serve their students.
- **Methodology:** Instruction must be provided to all students that, based on the findings of established research, will lead to gains in achievement and ensure that no child is left behind.

The four pillars guide the requirements for the NCLB application and data reporting. The NCLB application integrates these principles using the five ESEA performance goals and performance indicators listed below.

LEAs are required to adopt this core set of five performance goals and performance indicators and may define and adopt their own set of performance targets based upon formal, organized, and comprehensive needs assessments. LEAs are held accountable for meeting, at a minimum, AYP for all schools, as well as their other established performance targets and the core set of five performance goals and indicators. LEAs are required to provide their performance target data to the NJDOE on an annual basis.

Performance Goal 1: By 2013-2014, all students will reach high standards, at a minimum attaining proficiency or better in reading/language arts and mathematics.

- 1.1 Performance indicator: The percentage of students, in the aggregate and for each subgroup, who are at or above the proficient level in reading/language arts on the state's assessment. [Note: These subgroups are those for which the ESEA requires state reporting, as identified in §1111(h)(1)(C)(i).]*
- 1.2 Performance indicator: The percentage of students, in the aggregate and in each subgroup, who are at or above the proficient level in mathematics on the state's assessment. [Note: These subgroups are those for which the ESEA requires state reporting, as identified in §1111(h)(1)(C)(i).]*
- 1.3 Performance indicator: The percentage of Title I schools that make adequate yearly progress.*

Performance Goal 2: All limited English proficient students will become proficient in English and reach high academic standards, at a minimum attaining proficiency or better in reading/language arts, and mathematics.

- 2.1 Performance indicator: The percentage of limited English proficient students, determined by cohort, who have attained English proficiency by the end of the school year.*
- 2.2 Performance indicator: The percentage of limited English proficient students who are at or above the proficient level in reading/language arts on the state's assessment, as reported for performance indicator 1.1.*
- 2.3 Performance indicator: The percentage of limited English proficient students who are at or above the proficient level in mathematics on the state's assessment, as reported for performance indicator 1.2.*
- 2.4 Performance indicator: The percentage of children making progress in learning English.*

Performance Goal 3: By 2005-2006, all students will be taught by highly qualified teachers.

- 3.1 *Performance indicator: The percentage of classes being taught by “highly qualified” teachers (as the term is defined in §9101(23) of the ESEA), in the aggregate and in “high-poverty” schools (as the term is defined in §1111(h)(1)(C)(viii) of the ESEA).*
- 3.2 *Performance indicator: The percentage of teachers receiving high-quality professional development [as the term “professional development” is defined in §9101(34)].*
- 3.3 *Performance indicator: The percentage of paraprofessionals (excluding those with sole duties as translators and parental involvement assistants) who are qualified. [See criteria in §1119(c) and (d).]*

Performance Goal 4: All students will be educated in learning environments that are safe, drug free, and conducive to learning.

- 4.1 *Performance indicator: The number of persistently dangerous schools, as defined by the state.*

Performance Goal 5: All students will graduate from high school.

- 5.1 *Performance indicator: The percentage of students who graduate from high school each year with a regular diploma, 1) disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged; 2) calculated in the same manner as used in National Center for Education Statistics reports on Common Core of Data.*
- 5.2 *Performance indicator: The percentage of students who drop out of school, 1) disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged; and 2) calculated in the same manner as used in National Center for Education Statistics reports on Common Core of Data.*

SEA- and LEA-Derived Performance Targets

NJDOE is required to establish state-level performance targets that represent the progress the state expects to make in relation to each of the USDOE goals and performance indicators. NJDOE and LEAs have the opportunity to establish additional performance indicators. NJDOE submitted its performance targets to USDOE on May 1, 2003. Each LEA will establish its own derived performance targets based upon their unique needs. These targets can be identified in

this application. LEAs are then required to assess their success in meeting these targets and in the subsequent year, plan and tailor their activities accordingly.

B. Process Overview

Eligible LEAs must submit applications for funds under NCLB that describe the performance targets and program activities. The process is defined by requirements set forth in federal and state regulations presented in this section of the manual. Guidance is provided herein on the process for requesting, controlling, and reporting the applicable program activities, funds, and data collection. **Although this manual does not include all the regulatory requirements to which the subgrantee must adhere, applicants must comply with *all* provisions of the regulations for each individual program included in NCLB. Under the supervision of NJDOE, the provisions of this manual apply to all LEAs that participate and receive funding.** The NCLB citations of each covered program are available on the NJDOE Web site.

The FY 2005 NCLB application, which is due to the state and county offices of education on August 30, 2004, continues the consolidated grant model that began in 1997 with the advent of the *Improving America's Schools Act of 1994*. The NCLB parallel paper application, directions, and appendices are provided on the NJDOE Web site in separate files (See Section I of this manual for Web site information.) LEAs will access the EWEG system (electronic application) through the New Jersey Homeroom Page at <http://homeroom.state.nj.us/> Contact the NJDOE Office of Grants Management (OGM) or your NJDOE county office if you are unable to access these documents.

SECTION III

NCLB PROGRAM STRUCTURE

NCLB Program Structure

Consolidated Application Process

A. Laying the Foundation

Prior to completing the NCLB application, LEAs must complete a comprehensive needs assessment for the LEA as a whole and for its individual schools. This assessment lays the foundation for the LEA's program plan. The program plan must address the areas of academic and other deficiencies to help all students attain the state's proficiency standards and achieve the performance measures under each program area. (The state's Core Curriculum Content Standards are discussed in more detail in Section II of this manual.) For FY 2003, LEAs developed a three-year consolidated subgrant program plan utilizing planning principles for each of the programs that are based on the district/school(s) needs assessment. The plan includes performance indicators, research-based activities, and a plan to evaluate the progress toward meeting the program plan's goals.

LEAs may continue to use the FY 2004 needs assessment as the basis for completing the FY 2005 application and program plan. LEAs are required to assess its needs on a continual basis to refine, improve, strengthen, discontinue or replace programs and strategies. During the FY 2005 application process, LEAs/schools are required to report on the actual achievement of the performance targets identified in the FY 2004 NCLB application.

Following is a list of steps to consider during the planning process:

- Identify participants and convene the LEA application development committee.
- Assess the accomplishments relative to the measurable objectives established in the prior year's NCLB application.
- Assemble data and related information to conduct the LEA/school(s) needs assessment.
- Conduct the needs assessment, which includes a thorough analysis of the objective data and other information to identify priority problems.
- Identify the professional development needs of staff.
- Consult with private school representatives.
- Align the covered programs with the five performance goals and indicators (see Section II of this manual).
- Set LEA/school(s) performance targets, focusing on student achievements that are measurable.
- Utilize the Title IV principles of effectiveness.
- Identify research-based strategies and activities that can be utilized to address the LEA/school(s) priority problems.
- Ensure compliance with the requirements of the covered programs.
- Prepare the NCLB application and budget. Use of the NJDOE Excel program is required.

B. Needs Assessment

As stage one of the planning process, LEAs are required to begin with a comprehensive needs assessment. It should include a thorough review of school-level improvement plans and an assessment of students' progress in meeting academic achievement and behavior performance standards (CCCS and statewide standards), a review of district and school progress in closing the achievement gap, and the determination of district progress in ensuring that all teachers are highly qualified. This includes professional development and technical assistance needs as they apply to the district's plans. Professional development needs should identify barriers that hinder teachers from being able to teach the standards. LEAs should assess the level of parental involvement and identify areas for increased opportunities.

Once district and school needs have been identified and prioritized, grant resources should be targeted, as appropriate, to meet these needs and priorities. A form entitled "Priority Problems Identified During the Needs Assessment" is provided in the NCLB application to help identify areas targeted with NCLB funds.

For Title II-D, LEAs may identify their educational technology needs using the NJDOE's annual Technology Survey (April 2003). Although LEAs are not required to have schools identify their needs, they are asked to consult with schools and prioritize grant resources based on the identified needs.

For Title IV, LEAs identify the needs of its schools and students and must focus services and activities to those with the greatest need.

The needs assessment must include private school students and teachers served through the funding sources included in this application. Each LEA participating in a consortium should conduct an assessment of its needs, the results of which are incorporated into the planning process of the consortium applicant.

As a part of the planning process, LEAs are encouraged to coordinate federal, state, and local programs, funds, and services with the goal of improving instruction and student achievement and supporting educational reform. NCLB program plans, while spanning an initial three-year period from FY 2003 to FY 2005, should be evaluated annually to evaluate the effectiveness of the implemented activities under each program and updated based on annual needs assessments. Evaluations must provide data to guide in the updates for performance targets, activities, etc. Evaluation results must be reported on the "FY 2003 Actual Performance Targets Achieved" page of the grant application to demonstrate progress toward the previous year's proposed targets. New grant funds should target the needs identified in the district's NCLB needs assessment and/or school improvement plan(s), and be budgeted for applicable activities, based on the reevaluation process. **Note:** If all required components are addressed, a school improvement plan may serve as the schoolwide or targeted assistance plan for the Title I program.

Schools in Need of Improvement

A comprehensive assessment of the schools that have been classified as in need of improvement must be conducted. Following this assessment, which includes a thorough data analysis and needs assessment, the school must develop an improvement plan. If an outside vendor is hired, the vendor must have expertise in educational research specific to school improvement and reform and have a proven record of successfully conducting critical research.

The results of the needs assessment must be provided to school staff and parents. The data analysis process used, how the results were determined, and how staff can continue the process of data analysis as they continue the school improvement process must be provided.

The analysis should answer the following questions:

- 1) What contributes to the disparity in the belief of staff, administrators, and support staff that all children can achieve the CCCS and actual student performance?
- 2) What needs to be changed for the teaching approach to be cohesive, focused, and linked to school improvement strategies and student attainment of the CCCS? Are current strategies based on scientific research? What scientifically based strategies will match the school's identified needs?
- 3) What needs to be included for professional development to be linked to improving students' learning and attainment of the standards?
- 4) What needs to occur for the parents and the community to work together to assist in improving student outcomes that are in line with the improvement objectives?

To answer these questions, three years of data should be reviewed and may include the following:

- State and local assessment results.
- A review of curriculum alignment.
- Classroom observations.
- Parent, and where appropriate, student surveys and interviews.
- School demographics by gender, race, language groups, and special education.
- Other descriptive data.
- Enrollment, attendance and graduation rates, school climate, and dropout data.
- Reports on incidents of violence and vandalism, drug and alcohol use, and other risk behaviors.

The disaggregation of data by grade, race, and socio-economic background, disabled, and LEP should address patterns and areas in need of improvement that will be addressed in a plan with clear goals and benchmarks for improvement.

C. Program Plan Development

Comprehensive program plans are required for each NCLB Title. Program plans for NCLB are a logical subset of an LEA's overall district and/or school(s) plan. Consequently, LEAs are encouraged to develop a single integrated plan to meet the requirements for school improvement

plans under NCLB. Specifically, the NCLB aspects of the plan must cover the areas outlined below.

Title I, Part A (NCLB Section 1112)

All students are expected to reach proficiency on state assessments. Schools must close all achievement gaps across subgroups of students, assuring each group meets the same benchmarks as they move toward meeting the federal Title I goal of 100 percent proficiency. To meet this federal goal, schools and districts must assure that they 1) use scientifically based programs; 2) employ highly qualified teachers and paraprofessionals; 3) assure parent involvement; and 4) focus on early reading in grades K-3. Therefore, a district plan should include the instructional process and services by which all children will achieve proficiency including the following groups: racial/ethnic, LEP, disabled, and economically disadvantaged. Schools implementing targeted assistance programs must develop plans to address the academic achievement needs of identified students. Schoolwide program plans must address all eight of the required Title I Schoolwide components (see Appendix D).

In general the LEA plan must include:

(A) a description of high-quality student academic assessments, if any, that are in addition to the academic assessments described in the State plan under section 1111(b)(3), that the local educational agency and schools served under this part will use —

- (i) to determine the success of children served under this part in meeting the State student academic achievement standards, and to provide information to teachers, parents, and students on the progress being made toward meeting the State student academic achievement standards described in section 1111(b)(1)(D)(ii);
- (ii) to assist in diagnosis, teaching, and learning in the classroom in ways that best enable low-achieving children served under this part to meet State student achievement academic standards and do well in the local curriculum;
- (iii) to determine what revisions are needed to projects under this part so that such children meet the State student academic achievement standards; and
- (iv) to identify effectively students who may be at risk for reading failure or who are having difficulty reading, through the use of screening, diagnostic, and classroom-based instructional reading assessments, as defined under section 1208;

B) at the local educational agency's discretion, a description of any other indicators that will be used in addition to the academic indicators described in section 1111 for the uses described in such section;

(C) a description of how the local educational agency will provide additional educational assistance to individual students assessed as needing help in meeting the State's challenging student academic achievement standards;

(D) a description of the strategy the local educational agency will use to coordinate programs under this part with programs under title II to provide professional development for teachers and principals, and, if appropriate, pupil services personnel, administrators, parents and other staff, including local educational agency level staff in accordance with sections 1118 and 1119;

(E) a description of how the local educational agency will coordinate and integrate services provided under this part with other educational services at the local educational agency or individual school level, such as —

- (i) Even Start, Head Start, Reading First, Early Reading First, and other preschool programs, including plans for the transition of participants in such programs to local elementary school programs; and
- (ii) services for children with limited English proficiency, children with disabilities, migratory children, neglected or delinquent youth, Indian children served under part A of title VII, homeless children, and immigrant children in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program;

(F) an assurance that the local educational agency will participate, if selected, in the State National Assessment of Educational Progress in 4th and 8th grade reading and mathematics carried out under section 411(b)(2) of the National Education Statistics Act of 1994;

(G) a description of the poverty criteria that will be used to select school attendance areas under section 1113;

(H) a description of how teachers, in consultation with parents, administrators, and pupil services personnel, in targeted assistance schools under section 1115, will identify the eligible children most in need of services under this part;

(I) a general description of the nature of the programs to be conducted by such agency's schools under sections 1114 and 1115 and, where appropriate, educational services outside such schools for children living in local institutions for neglected or delinquent children, and for neglected and delinquent children in community day school programs;

(J) a description of how the local educational agency will ensure that migratory children and formerly migratory children who are eligible to receive services under this part are selected to receive such services on the same basis as other children who are selected to receive services under this part;

(K) if appropriate, a description of how the local educational agency will use funds under this part to support preschool programs for children, particularly children participating in Early Reading First, or in a Head Start or Even Start program, which services may be provided directly by the local educational agency or through a subcontract with the local Head Start agency designated by the Secretary of Health and Human Services under section 641 of the Head Start Act, or an agency operating an Even Start program, an Early Reading First program, or another comparable public early childhood development program;

(L) a description of the actions the local educational agency will take to assist its low-achieving schools identified under section 1116 as in need of improvement;

(M) a description of the actions the local educational agency will take to implement public school choice and supplemental services, consistent with the requirements of section 1116;
(O) a description of the services the local educational agency will provide homeless children, including services provided with funds reserved under section 1113(c)(3)(A);

(P) a description of the strategy the local educational agency will use to implement effective parental involvement under section 1118; and

(Q) where appropriate, a description of how the local educational agency will use funds under this part to support after school (including before school and summer school) and school-year extension programs.

Schools in Need of Improvement

Plans for any school identified as a Title I school in need of improvement must include the following elements:

- **Improvement Plan - NCLB Section 1116(b)(3):** A school improvement plan that shows what programs and strategies will be adopted to improve teaching and learning. The strategies must be based on scientific research that will strengthen core academic achievement and address the specific academic deficiencies that caused the school improvement status. The plan must establish specific annual, measurable objectives for continuous and substantial progress by each subgroup of students and must include strategies to do the following:
 - Promote effective parental involvement.
 - Incorporate supplemental activities outside of the normal school day.
 - Incorporate a teacher-mentoring program.

Additionally, the school improvement plan must assure that no less than 10% of the school's allocation is reserved for professional development activities that:

- Address the academic achievement problem, including the population and academic area, which placed the school in need of improvement
 - Assist teachers and paraprofessionals in meeting the definition of “highly qualified”;
 - Offer increased opportunities for staff participation.
- **Intradistrict School Choice:** How will the district/school offer school choice and notify parents of students enrolled in the school in need of improvement of its designation. Parents must be offered the opportunity to transfer their child to another school within the district that is not identified for improvement.
 - **Supplemental Educational Services:** How will the district/school broker these supplemental services with selected vendors? Parents are to be notified, a procedure established and NJDOE approved providers contracted to provide services.

Note: Schools in need of improvement have been notified of their status and must begin to develop their school improvement plans. Professional development activities (using 10 percent of the Title I, Part A allocation), school choice and supplemental educational services are components that must be included in the NCLB plan for schools in need of improvement.

Title I, Part D

The purpose of Title I Neglected or Delinquent funds is to provide equitable Title I services to children who are neglected or delinquent and who are at risk of dropping out of school. (A separate Title I allocation for N or D funds is provided to eligible LEAs where an institution for neglected or delinquent children is located.) Eligible LEAs may provide the Title I services directly to institutions for neglected and delinquent children, subcontract the services, or have the services provided by another LEA (including special services school districts and educational services commissions) through a consortium.

Title II, Part A

LEAs are required to conduct an assessment of professional development needs, including private schools within the district, and hiring needs, ensuring that teachers are highly qualified by the end of FY 2006. The LEA needs assessment for professional development for all teachers must be conducted with the involvement of teachers, including teachers participating in programs under Title I, Part A. It must take into account needed activities that will give teachers subject matter knowledge and teaching skills, and principals the instructional leadership skills to help teachers. These skills will in turn provide students with the opportunity to meet challenging state and local student academic achievement standards. To determine the professional development needs, an LEA may also want to use information such as student achievement data, class observations and lesson plan reviews as well as teacher surveys, and teacher self-evaluations.

To comply with the Title II, Part A regulations, the LEA's NCLB Consolidated Application Program Plan must include the following information:

- 1) Results of the local needs assessment for professional development, developed with input from the LEA's teachers.
- 2) Activities that the LEA will carry out with program funds, including the professional development provided to teachers and principals and how these activities are aligned with challenging state academic content standards, student academic achievement standards, state assessments, and the curricula and programs tied to those standards.
- 3) How proposed activities are based on a review of scientifically based research and will have a substantial, measurable, and positive impact on student academic achievement, and how the activities will be used as part of a broader strategy to eliminate the achievement gap that separates the performance of low-income and minority students from other students.
- 4) How the LEA will coordinate professional development activities authorized under Title II, Part A with professional development activities provided through other federal, state, and local programs.
- 5) How the LEA will ensure that the professional development needs of teachers (including teacher mentoring) and principals will be met with Title II, Part A funds.
- 6) How the LEA will integrate Title II, Part A funds with funds the LEA receives through the Title II, Part D to train teachers to integrate technology into curricula and instruction to improve teaching, learning, and technology literacy.
- 7) How the LEA's teachers, paraprofessionals, principals, other relevant school personnel, and parents have collaborated in preparing the local plan and will collaborate in the activities to be undertaken.

- 8) How the LEA will provide training to enable teachers to a) teach to the needs of students with different learning styles—particularly students with disabilities, students with special learning needs (including those who are gifted and talented), and those with limited English proficiency; b) improve student behavior in the classroom; c) involve parents in their child's education; and d) understand and use data and assessments to improve classroom practice and student learning.
- 9) How the LEA will use Title II, Part A funds to meet the requirements of Title I (NCLB §1119) for teachers and paraprofessionals, requiring an LEA to establish annual measurable objectives for each LEA and school that, at a minimum, include an annual increase in the percentage of highly qualified teachers at each LEA and school. It also includes a requirement for the LEA's plan to include an annual increase in the percentage of teachers who receive high-quality professional development. [NCLB §2122].

Title II, Part A funds may be consolidated with other allowable grant funds to implement a Title I schoolwide program in a school in which at least 40 percent of the students are from low-income families.

Title II, Part D

Most New Jersey public school districts updated their technology plans as required by NCLB during FY 2003. However, if an LEA refused Title II, Part D funding during FY 2003 or the LEA is a charter school that does not have a technology plan, then the additional new requirements to the technology plan must be completed prior to the award of funding in FY 2005. A checklist that describes all required elements may be found at www.nj.gov/njded/techno/localtech/checklist.htm. (See Appendix F in this manual for helpful resources.)

Twenty-five percent (25%) of the educational technology allocation must be expended on ongoing, sustained, and intensive high-quality professional development that focuses on the integration of advanced technologies into curricula and instruction. The remaining funds (75%) are to be used to implement other activities consistent with the purposes of Title II, Part D and the district's local technology plan. Program elements and authorized activities are described in Appendix C of this manual.

Title III, Part A

Plans must address the programs and staff requirements for teaching English to those students who are limited English proficient, including immigrant students, to prepare them to meet the state's CCCS and integrate them into all-English instructional settings. The plan should outline teaching methods that are based on scientific research.

- **Accountability:** Plans must identify measurable goals. LEAs are required to annually assess LEP students' progress in learning English and meeting the CCCS and student achievement standards. At the end of every second fiscal year, districts will be required to provide an evaluation to NJDOE describing the programs and activities conducted during the two preceding year, and reporting progress of LEP students in the following:
 - Learning English.
 - Achieving state standards.
 - Exiting language instructional support programs.

- Meeting state content standards and student academic achievement standards for each of the two years after students are no longer receiving services.
- Professional Development: Plans must identify the professional development for teachers, principals, administrators, and other school personnel, designed to improve the instruction and assessment of LEP students.
- Parent Involvement: The required outreach to parents of LEP students should be included in the LEA's plans. Certain activities are required since schools must inform parents if their child is identified for participation in a language instructional program not later than 30 days after the school year starts. If a child enters school after the school year starts, parents must be notified within two weeks of a child's placement in such a program. Parents must receive the following information:
 - Reasons for identifying their child as being limited English proficient and placing the child in a language instruction educational program for LEP students.
 - Level of English proficiency, including how the level was assessed and the status of the child's academic achievement.
 - Method of instruction used in the program, including a description of other alternative programs.
 - How the program will meet the educational strengths and needs of the child.
 - How the program will help the child learn English and meet academic achievement standards.
 - Program exit requirements, including the expected rate of transition, and the expected rate of graduation from secondary school.
 - How the program will meet the objectives of an individualized education program for a child with a disability.
 - Student rights per New Jersey's parental consent provision in law and administrative code (P.L. 1995 c. 327 and *N.J.A.C.* 6A:15-1.13).

LEAs must provide notice to parents of any failure of the instructional program to make progress on the annual measurable achievement targets. This notice must be provided no later than 30 days after the failure occurs and, to the degree practicable, in a language the parent understands.

Title III Supplemental Immigrant Student Aid

The purpose of funds under this grant program is to supplement the Title III program with services for the LEA's identified immigrant student population. The application must be consistent with the LEA's proposed plan in Title III, Part A, to:

- Develop and implement programs and activities;
- Use the funds to meet all the annual measurable objectives
- Hold elementary schools and secondary schools accountable for meeting annual achievement objectives
- Annually measure the English language proficiency of LEP students; and
- Determine that language instruction education programs will ensure LEP students develop English proficiency.

Title IV, Part A

Applicants must have a comprehensive plan for drug and violence prevention (NCLB §4114) that includes performance indicators and levels of performance for each performance indicator for prevention programs and activities, and include the following:

- A detailed explanation of the LEA's comprehensive plan for drug and violence prevention, including a description of the following:
 - How the plan will be coordinated with programs under this Act, and other federal, state, and local programs for drug and violence prevention, in accordance with NCLB §9306.
 - The LEA's performance measures for drug and violence prevention programs and activities, that shall consist of performance indicators for drug and violence prevention programs and activities including: 1) Specific reductions in the prevalence of identified risk factors and specific increases in the prevalence of protective factors, buffers, or assets if any have been identified; and 2) Levels of performance for each performance indicator.
 - How the LEA will assess and publicly report progress toward attaining its performance measures.
 - The drug and violence prevention activity or program to be funded, including how the activity or program will meet the principles of effectiveness described in NCLB §4115(a) and elsewhere in this section of the reference manual, and the means of evaluating such activity or program.
 - How the services will be targeted to schools and students with the greatest need.
- A description for how the results of the evaluation of the effectiveness of the program will be used to refine, improve, and strengthen the program.
- A description of the mechanisms used to provide effective notice to the community of an intention to submit an application under Title IV, Part A.

Comprehensive Drug and Violence Prevention Program

The district's comprehensive program for drug and violence prevention must include each of the six prevention strategies described below. Examples of authorized activities are listed for each strategy. (A more extensive list is provided in Appendix C.) While funding for these programs is not limited to Title IV, Part A funds and may include state and/or local resources, **the NCLB application should include only activities funded through Title IV, Part A.**

Components of a Comprehensive Drug and Violence Prevention Program

- 1) **Education:** Development, purchase, and implementation of age-appropriate, development-based alcohol, tobacco, and other drugs (ATOD) and violence prevention curricula; peer education/leadership/helping programs; cross-age teaching programs; student prevention education or life skills education groups; alternative education; community-based and parent education; instructional equipment; professional development programs for school staff, parents, law enforcement officials, judicial officials, health services providers and community leaders; drug abuse resistance education programs; multicultural sensitivity programs; and comprehensive health education and character education (only to the extent that such activities are a part of a comprehensive ATOD or violence prevention program).

Note: Funding to support professional certification is not allowable.

- 2) Problem Identification, Support, and Treatment Referral: Core teams, intervention and referral services, student assistance teams/committees, conflict resolution programs, peer mediation programs, curriculum-based student support groups, intervention-education groups, relapse prevention groups, smoking cessation programs, employee assistance programs, and short-term student and family counseling.
- 3) Environmental: Development and implementation of ATOD and violence policies and procedures and codes of conduct, “safe zones of passage” activities, metal detectors, security personnel, advocacy/action groups, anti-crime youth councils, student outreach efforts, drug and violence prevention advertising or media messages and practices, prevention of illegal gang activity, and mentoring programs.
- 4) Alternatives: Before- and after-school ATOD- and violence-free activities, drop-in centers, community service projects, and service learning projects.
- 5) School and Community-Based Process: School/community planning and coordination meetings, activities that integrate the delivery of services from a variety of providers, and program evaluation.
- 6) Information Dissemination: Development, purchase, and distribution of publications, newsletters, brochures, pamphlets, handbooks, resource directories, and other information services regarding ATOD abuse, safety and school discipline, public service announcements, assemblies/speakers, and health fairs/health promotion.

Each LEA is required to report on the areas included in the NJDOE substance abuse and violence outcomes (see Section II of this manual for data collection requirements).

Title V, Part A

The purpose of Title V, Part A is to support statewide education reform efforts through the provision of funds to LEAs to be used to develop, maintain, and implement local reform initiatives. Plans for innovative programs can target several identified areas to help LEAs emphasize skill development where it is needed—the LEA’s needs assessment will determine where the need is the greatest. Title V is a flexible program that is ideal to coordinate and cross-program with other covered programs. The 27 allowable uses of funds are broad and overarching. Activities should be tied to promoting the CCCS, directed to allowable uses that improve student academic achievement or improve the quality of education for students, and should be part of an overall education reform strategy. Title V programs must be evaluated annually and the results are to be used to make decisions about appropriate changes in the program for the subsequent year.

D. Professional Development

Professional development activities are allowable expenses for many programs, and required elements for some.

Title I, Part A

Sufficient funds should be expended to ensure high-quality and ongoing professional development for teachers, principals, and paraprofessionals and, if appropriate, pupil services

personnel, parents, and other staff to enable all children in the school to meet the state's student academic achievement standards. [NCLB §1114]

Title I, Part A – Schools in Need of Improvement

These schools must use 10 percent of their Title I allocation for the purpose of providing the school's teachers and principal high-quality professional development that does the following:

- Directly addresses the academic achievement problem that caused the school to be identified for improvement.
- Meets the requirements for professional development in NCLB §1119 to ensure highly qualified teachers and paraprofessionals.
- Affords increased opportunity for participating in the professional development.

LEAs in need of improvement must use at least 10% of their Title I allocation to provide professional development to address the needs of the instructional staff. Funds reserved for this purpose cannot be used to meet the requirements for professional development to ensure highly qualified teachers and paraprofessionals.

Title II, Part A – Teacher and Principal Training and Recruiting Fund

As the title very clearly indicates, this entire program focuses on professional development and teacher/principal quality. The purpose of Title II, Part A is to increase student academic achievement through strategies such as improving teacher and principal quality, and increasing the number of highly qualified teachers in the classroom and highly qualified principals and assistant principals in schools. Effective teacher professional development is more than just coursework designed to fill a state or district requirement. It is a set of activities that produce a demonstrable and measurable effect on student academic achievement. Effective professional development works best when it is part of a system-wide effort to improve and integrate teacher quality at all stages: preparation, induction, support, and ongoing development.

NCLB emphasizes that effective professional development must be grounded in scientifically based research. [NCLB §9101(34)] See Section I, "Scientifically Based Programs" for more information.

For more detailed information regarding the kinds of professional development programs that may be supported with these funds, please refer to Section V, Appendix C.

Title II, Part D

LEAs must expend at least 25 percent of the Title II, Part D allocation on ongoing, sustained, and intensive high-quality professional development for all teachers that focuses on the integration of advanced technologies, including emerging technologies, into curricula and instruction and in using those technologies to create new learning environments. However, the professional development requirement does not apply if the LEA demonstrates to the satisfaction of NJDOE that it already provides to all teachers in core academic subjects professional development, based on a review of relevant research. LEAs seeking a waiver of the professional development requirement must complete the Educational Technology Professional Development Waiver provided in the NCLB application.

The remaining funds (75%) are to be used to implement other activities consistent with the purposes of Title II, Part D and the district's local technology plan.

Title III, Part A

LEAs are required to provide high-quality professional development to classroom teachers (including mainstream teachers), principals, administrators, and other school personnel that is designed to improve the instruction and assessment of LEP students.

E. Parent Involvement

All parent involvement activities must be supported in the comprehensive needs assessment and selected as a priority problem to be addressed using federal funds. The parental activities must be listed in the program plan with baseline data and annual performance targets identified in the context of student achievement outcomes. Funded programs and activities must be scientifically based.

Title I, Part A

To encourage parent involvement, LEAs must implement programs, activities, and procedures after consultation with parents. The LEA must distribute a written parent involvement policy that describes the parental involvement efforts, including plan development and school activities. [NCLB §1118(a) & (e)] Parent involvement activities *must* do the following:

- Provide assistance to help parents understand the state's academic standards, state and local assessments, and how to monitor their child's progress.
- Provide materials and training, such as literacy and technology training, to help parents work with their children.
- Educate school personnel in techniques for communicating and working with parents.
- Integrate parent involvement with preschool programs.
- Ensure information sent to parents is understandable.

Activities *may* include:

- Involving parents in development of training of educators.
- Providing literacy training.
- Providing associated expenses such as transportation and child care.
- Training parents to enhance involvement of other parents.
- Conducting in-home parent-teacher conferences.
- Establishing a districtwide parent advisory council.
- Developing roles for community-based organizations.
- Implementing model approaches to improving parent involvement.
- Providing other reasonable support as parents may request.

Note: If an LEA receives a Title I, Part A grant allocation of more than \$500,000, at least 1 percent (minimum of \$5,000) is required to be used for parent involvement.

School Improvement

Before the beginning of each school year, an LEA must notify parents of students attending a school identified as in need of improvement that the school has not made adequate yearly progress. Parents must also be notified that the LEA will provide, at their request, information regarding the professional qualifications of the student's classroom teachers. The school must also provide to each individual parent information on the level of achievement of their child's state academic assessments. Information must be provided to parents in an understandable and uniform format, provided in a language the parents can understand, to the extent practicable. [NCLB §1111 & 1112]

Title II, Part A

These funds may be used to enable teachers and principals to involve parents in their children's education, especially parents of limited English proficient and immigrant children.

Title III, Part A

Not more than 30 days after the beginning of the school year, each LEA must inform a parent if a limited English proficient child has been identified for services. The parent must be advised of:

- The reasons the child was identified as limited English proficient and in need of placement in a language instruction educational program.
- The child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement.
- The methods of instruction that will be used in the program, and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction.
- How the child's program will meet the educational strengths and needs of their child.
- How the program will specifically help their child learn English, and meet age-appropriate academic achievement standards for grade promotion and graduation.
- The specific exit requirements for the program, including the expected rate of transition from such programs into classrooms that are not tailored for limited English proficient children, and the expected rate of graduation from secondary school for such programs if funds under this part are used for children in secondary schools.
- How such a program meets the objectives of the individualized education program of a disabled child.
- Information pertaining to parental rights that includes written guidance detailing 1) the right of parents to have their child immediately removed from the program upon their request; and 2) the options that parents have to decline enrolling their child in the program or to choose another program or method of instruction, if available.
- Information to assist parents in selecting among various programs and methods of instruction, if more than one program or method is offered by the LEA. [NCLB §1112(g)(1)]

LEAs must also implement an effective way to inform parents of limited English proficient students as to how they can be involved in the education of their children, and be active participants in assisting their children to attain English proficiency, achieve at high levels in core academic subjects, and meet challenging state academic achievement standards aligned with the state's academic content standards expected of all students. This includes holding, and sending

notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from parents of students assisted under this subgrant. [NCLB §1112(g)(4)]

Title IV, Part A

The principles of effectiveness [NCLB §4115(a)] include the requirement for meaningful and ongoing consultation with and input from parents in the development of the application and administration of funded programs, services, and activities. Under NCLB §4114(c), LEAs are required to develop their applications through timely and meaningful consultation with parents, as well as community-based organizations, representatives of government, representatives of schools to be served, teachers and other school staff, and others with relevant and demonstrated expertise in drug and violence prevention activities such as medical, mental health, and law enforcement professionals. NCLB §4114(c) requires ongoing consultation with these representatives and organizations in order to seek advice regarding how best to coordinate such LEAs' activities under Title IV, Part A with other related strategies, programs, and activities being conducted in the community. Pursuant to §4114(c)(2), to ensure timely and meaningful consultation with parents and others, LEAs at the initial stages of design and development must consult with appropriate entities and persons on issues regarding the design and development of the program or activity, including efforts to meet the principles of effectiveness. [NCLB §4115(a)]

F. Application Overview

FY 2005 is a transition year for New Jersey's entitlement grant applications. The FY 2005 NCLB consolidated application consists of both an online application, the Entitlement Web-Enabled Grant (EWEG) Application, and a streamlined parallel paper application that includes required information not captured electronically.

LEAs will be able to access the EWEG system through the New Jersey Homeroom Page at <http://homeroom.state.nj.us/>. The FY 2005 paper application is provided electronically on the NJDOE Web site. Directions for completing the application and appendices/worksheets are also posted on the site.

Consolidating federal program funds in one application, as provided under NCLB Title IX, Part C, encourages program coordination and collaboration, shared decision-making, and comprehensive planning to advance local systemic improvement. The consolidation process is also administratively efficient from the perspective of fund distribution and state application approval and oversight.

The FY 2005 grant covers the project period from **September 1, 2004, to August 31, 2005**, and covers the programs listed below:

- Title I, Part A: *Improving Basic Programs Operated by Local Education Agencies*
- Title I, Part A: *School Improvement*
- Title I, Part D: *Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk*
- Title II, Part A: *Teacher and Principal Training and Recruiting Fund*

- Title II, Part D: *Enhancing Education Through Technology*
- Title III, Part A: *Grants and Subgrants for English Language Acquisition and Language Enhancement*
- Title III, Part A: *Supplemental Immigrant Student Aid*
- Title IV, Part A: *Safe and Drug-Free Schools and Communities Act*
- Title V, Part A: *Innovative Programs*
- Title VI, Part B: *Rural and Low-Income School Program*

Board Approval

Prior to submitting an NCLB application to NJDOE, an LEA must obtain approval from the Board of Education. A copy of the board resolution must be submitted *only* if the board approval occurs *after* submission of the application. In that case, a copy of the resolution must be sent under separate cover. Board approval to accept funds is also required after NJDOE approves an application and sends the LEA a Notification of Grant Award. (See “Application Review and Approval Process” later in this section of the reference manual.) The board approvals meet the requirements of Title IV, Part A [NCLB §4114(d)(5)].

G. Application Description

The FY 2005 NCLB consolidated application consists of both an online application, the Entitlement Web-Enabled Grant (EWEG) Application, and a streamlined parallel paper application which includes required information not captured electronically. This has necessitated some changes to the previous consolidated application format. Accordingly, some pages have been added, some deleted, some have been combined, and others revised.

EWEG Application Overview

LEAs access the EWEG system through the New Jersey Homeroom Page at <http://homeroom.state.nj.us/>. After the applicant selects NCLB from the Application page, the Fiscal Year Select page will open for the district. This page allows the applicant to select the appropriate fiscal year and also provides basic information regarding the status of the application relative to the date of LEA submission and county/Abbott and OGM approvals.

After the fiscal year is selected, the NCLB Budget Summary page will open. This page serves as the starting point for completion of the online application. The Allocation page allows the applicant to begin completion of the application. This page includes the amount of funds allocated to the LEA for each NCLB Title. It also allows LEAs to transfer funds from one Title to another using the NCLB flexibility provisions.

Although the NCLB Needs Assessment and Program Plan will be submitted as part of the parallel paper application, these elements are integral to the preparation of the online application and must be completed prior to starting the online process. LEAs verify that the needs assessment and program plan have been completed through the check boxes on the Needs Assessment Checklist page of the online application. Program activity numbers from the program plan are entered into each appropriate entry cell by title.

The applicant then proceeds to each individual Title page for which the LEA receives an allocation. The individual pages for each title have a similar organization with a budget grid at the top of the page followed by an area used to provide specific programmatic information related to that Title.

In addition to the regular Title I page, applicants receiving Title I funding must complete the Title I Eligibility page which provides a four-step process to calculate the distribution of Title I funds to eligible schools.

LEAs wishing to refuse funds under individual Titles will complete the Refusal of Funds page. If a Title has been refused, the applicant will be unable to budget funds in that Title.

If an LEA has included administrative costs within any Title, the Administrative Costs page must also be completed to show how those administrative costs have been budgeted.

The Assurances page lists the areas of compliance that the LEA must accept before funds are issued. Prior to submitting the application via the Submit/Approve page, the LEA must accept the assurances. Clicking the submit button will submit the application.

Note: At the time of submission of the EWEG application, the LEA must forward copies of the signed Private School Participation Refusal forms and Affirmation of Consultation forms, as appropriate, to OGM and the county/Abbott office.

Parallel Paper Application

The parallel paper application includes required information not captured through the EWEG. The following pages are included in the parallel paper application:

For All Applicants

- Cover Page
- Participants in Consultation & Collaboration in Application Development
- Equitable Access, Coordination of Programs, Participation, and Public Reporting
- District Needs Assessment
- FY 2004 Actual Performance Targets Achieved
- Description of Selected Priority Problems Identified during the Needs Assessment
- Performance Goals and Indicators
- District Program Plan

For All Title I Applicants

- Title I – Parental Involvement and Notification

For Title I Schools in Need of Improvement and Districts in Need of Improvement

- Title I – School in Need of Improvement School Needs Assessment
- Title I – School in Need of Improvement FY 2004 Actual Performance Targets Achieved
- Title I – School in Need of Improvement Description of Selected Priority Problems Identified during the Needs Assessment

- Title I – School in Need of Improvement Plan Report
 - School Improvement Plan Committee
 - Essential Elements
- Title I – School in Need of Improvement Program Plan
- Title I – District Improvement Plan Report for Districts with Schools in Need of Improvement
- Title I – School in Need of Improvement Intradistrict Public School Choice, *if applicable*
- Title I – School in Need of Improvement Supplemental Educational Services, *if applicable*
- Title I – District Improvement Plan Report for Districts in Need of Improvement

Consortia

LEAs may choose to offer services together as a consortium. The lead LEA submits an application as the Applicant (and a participant) and the joining LEA(s) is designated a Participant. The applicant requests the total grant to be applied to the consortium; NJDOE pays the total consortium grant funds to the applicant. The applicant is responsible for the use of all funds awarded (payment of teachers hired, vendors, etc.) and must submit all required records and reports on behalf of the consortium participants. The applicant *cannot* reimburse funds back to participants. The applicant is also responsible for coordinating services for its private schools and those of the participating agencies.

Consortiums are established based on the following criteria:

- Participants may contribute funds from one or more of the Titles to a consortium, and may contribute funds to more than one consortium.
- If an LEA contributes funds to a consortium, the participant LEA must contribute the total award under each contributed Title to the consortium.
- A participant must contact all eligible private schools within their district to determine if these schools wish to participate. If a private school refuses to participate, it is the participant's obligation to obtain the private school's signed refusal form and forward it to the applicant LEA.
- The consortium applicant is responsible for consulting with the participating private schools.

Note: LEAs may not receive a Title III, Part A award if the award amount is less than \$10,000. They may, however, form a consortium to qualify; the Title III funds of all consortium participants must equal or exceed \$10,000. LEAs may also apply in collaboration with a college or community-based organization.

H. Equitable Access

In accordance with §427 of the General Education Provisions Act (GEPA), each LEA must include in its application a description of the steps the LEA proposes to take to ensure equitable access to, and participation in, its federally assisted programs by addressing the special needs of students, teachers, and other program beneficiaries in order to overcome the identified barriers to equitable participation. The statute highlights six types of barriers that can impede equitable access or participation that may be addressed: gender, race, national origin, color, disability, or

age. The LEA makes the determination as to whether these or other barriers may prevent students, teachers, or others from such access to, or participation in, federally funded projects or activities. Further information may be found at www.ed.gov/offices/OPE/HEP/gepa.html.

I. Coordination Requirements

In accordance with NCLB §1112, each LEA plan submitted under the NCLB-covered programs must be integrated with each other and coordinated with other programs funded under NCLB, including other educational programs such as Title I Schoolwide Programs and Whole School Reform, Even Start, migrant and homeless, limited English proficient, and Neglected and Delinquent. Coordination requirements are clearly defined under each Title including the following:

- **Title I** serves all students, including LEP students and students with disabilities, assuring they meet the 100 percent proficiency goal. To meet this goal, services under Title I must be coordinated with other programs.
- **Title II, Part A** requires the coordination of professional development activities supported by this grant with professional development activities provided through other federal, state, and local programs.
- **Title IV** requires LEAs to use Title IV, Part A funds to develop, implement, and evaluate comprehensive programs and activities in coordination with other school and community-based services and programs [§4115(b)].

J. Collaboration

During both the development of the NCLB application and the implementation of programs, annual consultation with a wide range of interested constituents is essential and required by statute. Collaboration and consultation must be ongoing throughout the entire project period. LEAs must identify those involved in the process on the “Participants in Consultation and Collaboration in Application Development” page of the NCLB application.

All Titles require consultation with teachers (including vocational teachers), pupil services personnel, parents of children in schools served, administrators, officials from private schools, and other groups involved in the implementation of these programs (e.g., librarians) as may be considered appropriate by the LEA. Since the programs are being combined into a single application, LEAs may create a single advisory council or establish another method of consulting with these groups regarding the application in its entirety. The LEA must schedule annual meetings and invite all interested constituents. Additionally, the public must be afforded a reasonable opportunity to provide comment.

Title II, Part A requires a description in the application of how the LEA, teachers, paraprofessionals, principals, other relevant school personnel, and parents have collaborated in the planning of Title II-funded activities and in the preparation of the application. **Note:** A hold harmless clause identifies minimum funds required for private school professional development. The LEA allocation notice and NCLB application directions provide detail.

Title II, Part D requires the LEA to develop and submit updates to their long-range strategic educational technology plan as part of the application for funds if not updated during FY 2003. The LEA is to collaborate with parents to ensure the effective use of technology to promote parent involvement and increase communication with parents. (For helpful resources see <http://www.nj.gov/njded/techno/resources/>.)

Title III, Part A requires that, in developing the application, the LEA consult with teachers, researchers, school administrators, and parents and, if appropriate, with institutions of higher education and education-related community groups and nonprofit organizations.

Title IV, Part A specifies that an LEA shall develop its application through timely and meaningful consultation with state and local government representatives, representatives of schools to be served (including private schools), teachers and other staff, parents, students, community-based organizations, and others with relevant and demonstrated expertise in drug and violence prevention activities (such as medical, mental health, and law enforcement professionals). Parents are also required to be involved in meaningful and ongoing consultation in the *administration* of funded program activities.

In addition, on an ongoing basis, the LEA must consult with such representatives and organizations in order to seek advice regarding how best to coordinate such agency's activities with other related strategies, programs, and activities being conducted in the community.

A local educational agency, at the initial stages of design and development of a program or activity shall consult with appropriate entities and persons on issues regarding the design and development of the program or activity, including efforts to meet the principles of effectiveness described in NCLB §4115(a).

LEAs may use an existing advisory council with appropriate representation to address drug issues (e.g., municipal alliances), as well as create a new advisory council for addressing both drug and violence issues.

Title V requires systemic consultation with parents, teachers, administrative personnel, and with other groups such as librarians, school counselors, and pupil services personnel. Consultation is required during planning, design, and implementation of Title V programs.

Private School Collaboration

NCLB requires for all Titles that LEAs consult with private school representatives during the design and development of the application and *prior to* making decisions regarding private school participation. A sample invitation letter to private schools is provided in the application appendices/worksheets. Further, the services provided to private school children and teachers must be equitable in comparison to the services provided to public school teachers and children. Expenditures must also be equitable.

A hold harmless clause requires LEAs to allocate a minimum amount of funding for private school professional development, based on FY 2002 professional development expenditures. An example of the calculation is provided in the appendices/worksheets.

Note: If eligible private schools refuse funds for Title I or Title II, Part A, the LEA can use these funds.

K. Application Submission

The FY 2005 NCLB consolidated application consists of both an online application, the Entitlement Web-Enabled Grant (EWEG) Application, and a streamlined parallel paper application which includes required information not captured electronically. Completed applications must be submitted no later than **August 30, 2004**.

- ❑ The EWEG is submitted online.
- ❑ The completed parallel paper application must be submitted to the appropriate county/Abbott office.
- ❑ At the time of submission of the EWEG application, copies of the signed Private School Participation Refusal forms and Affirmation of Consultation forms, as appropriate, must be submitted to both the appropriate county/Abbott office and to OGM at the following address:

New Jersey Department of Education
Office of Grants Management
Application Control Center
P.O. Box 500
Trenton, NJ 08625-0500
Att: NCLB Consolidated Formula Subgrant

Late Submission

NCLB applications that are submitted late and are received after **September 30, 2004** will *not* be considered for FY 2005 funding.

L. Amendments

If substantive changes to the program plan or grant expenditures are anticipated after the NCLB application has been approved by NJDOE, an LEA is required to submit an FY 2005 Amendment Application to NJDOE for approval. LEA board approval is required prior to submitting the amendment application. If the amendment is submitted prior to board approval, a copy of the resolution must be forwarded under separate cover. Amendments to the application must be submitted online through the EWEG system no later than June 30, 2005, and approved by August 31, 2005.

Criteria that require submission of an amendment application are as follows:

- Changes between Expenditure Categories (measured cumulatively throughout the fiscal year) in excess of 10 percent of the total award, by Title, or \$50,000 (original application budget or

approved carry-over budget), whichever is less. *LEAs are responsible for monitoring the cumulative 10 percent level of fiscal change.*

- Moving funds into a budget category for which no funds were previously budgeted or approved.
- Changes in the scope of activities being implemented. All newly funded activities must be supported in the program plan even if funds are being used in existing budget categories.
- Approval for Title I – Schoolwide Program designation..

M. Final Reports

NJDOE is responsible for fiscal and program oversight of the federal grant programs. As such, all grants must be closed out with a final reporting of NCLB expenditures for the approved programs and activities. LEAs are encouraged to round off expenditures for reporting purposes. The report must provide the budget expenditures and equipment purchases.

The status of program success, activities completed, and results obtained are reposted in the following year's NCLB application. Additionally, private schools are required to report results of their NCLB-sponsored activities to the LEA for inclusion in the Final Report.

LEAs must report accomplishments relative to the performance indicators and benchmarks established in the program plan. At this time, LEAs must assess the effectiveness of the elements of the NCLB plan using the best available data and prepare to revise them accordingly.

Final Reports forms are posted on the NJDOE Web site for submission to NJDOE county offices for review and approval. In accordance with the Tydings Amendment, unused funds from the FY 2005 NCLB application may be carried over for use in the next project period, i.e., FY 2006. Although carry-over is permitted, with restrictions, LEAs are encouraged to use their funds during the fiscal year for which they are approved.

Carry-Over and Restrictions

There are restrictions on the amount that can be carried over for certain Titles.

- No more than 15 percent of allocated LEA **Title I** funds, *in excess of \$50,000*, for FY 2005 may remain available for obligation in FY 2005 unless the NJDOE approves a waiver request in accordance with NCLB §1127. An LEA may request this type of waiver only once every three years. The LEA must submit a written request specifying that such a request is reasonable and necessary.
Note: Restrictions do not apply to state agencies.
- Not more than 25 percent of the **Title IV** funds allocated to an LEA for FY 2005 may remain available for obligation in FY 2005 unless the NJDOE approves a request in accordance with NCLB §4114.
- Carry-over funds that were originally allocated for private schools must be used for those private schools during the carry-over project period.

Carry-over funds may be reallocated to budget categories other than those specified on the original application, providing the funds are expended on approved activities in accordance with program guidelines in effect during the carry-over period

To carry over funds, additional pages of the Final Report/Carry-Over Application must be completed and submitted for approval by NJDOE. Additionally, a board resolution approving the Carry-Over application is required. If the Carry-Over application is submitted prior to board approval, a copy of the resolution must be sent under separate cover. A subsequent Final Report must be filed for any approved carry-over funds. This Carry-Over Final Report is also posted on the NJDOE Web site. Any carry-over funds not expended must be refunded to NJDOE. School districts, charter schools, and vocational schools must send a check payable to the “Treasurer, State of New Jersey” for the refund amount and mail with a copy of page 1 of the Final Report to the address listed below. (**Note:** If the Carry-Over Application is not approved by the end of the carry-over project period, it will be disapproved and unused funds must be returned to NJDOE.)

New Jersey Department of Education
Office of Budget and Accounting
Revenue and Grant Accounting
P.O. Box 500
Trenton, NJ 08625-0500

Note: State agencies should not send refund checks, but rather process the transfer of funds through the state accounting system. Contact the Office of Budget and Accounting for assistance if necessary.

N. Summary of Board Approval Requirements for Submission

A board resolution is required for submission of the following:

- Application Submission
- Grant Acceptance Certificate (GAC)
- Amendment
- Carry-Over Application

If board approval occurs *after* submission, a copy of the board resolution must be submitted under separate cover except for the GAC. In this situation, an executed GAC serves as the board resolution. .

O. Application Review and Approval Process

There are many steps in the review and approval process for federal grants. NJDOE must ensure compliance with the federal guidelines for NCLB and other related federal and state regulations as described in Section II of this manual. The various steps, listed below, in chronological order, will help to clarify the NJDOE review and approval process.

- 1) FY 2005 NCLB application is submitted by the LEA to the NJDOE county office and OGM, Application Control Center, no later than August 30, 2004. (Board approval required prior to submission.)
 - The EWEG is submitted online.
 - Copies of the signed *Private School Participation Refusal* forms and *Affirmation of Consultation* forms, as appropriate, are submitted to the appropriate county/Abbott office and to OGM.
 - The completed parallel paper application is submitted to the appropriate county/Abbott office.
- 2) The EWEG and paper application are reviewed concurrently for compliance with federal and state requirements. The following items are included in the review:
 - Services and activities described are authorized and supported using program funds.
 - Expenditures support the programs described.
 - Services are coordinated.
 - Instructional strategies enable achievement of high standards in learning environments that are safe (e.g., extended learning time, minimizing pull-out, Saturday classes, family literacy, summer school, and year-round services).
 - The budget complies with all constraints and all costs are allowable.
 - The application is complete, including signatures, assurances and certifications, private school participation.
- 3) If revisions are needed, the LEA is notified either electronically (EWEG) or by letter (paper application) requesting revisions. The LEA must send the revisions or a response within 14 days. If the LEA does not respond by the deadline, a certified letter is sent to the LEA advising that the application funds are in jeopardy and the application may be disapproved. If revisions are not received or the LEA does not respond within the next 14 days, the LEA receives a certified letter advising that the application is deemed disapproved.
- 4) EWEG approval indicates that a district's application is in substantially approvable form and that funds may be released.
- 5) A Notification of Grant Award and Grant Acceptance Certificate is issued for the approved funding and sent to the LEA.
- 6) The LEA's board meets to approve acceptance of the grant.
- 7) The Grant Acceptance Certificate is signed by the LEA and returned to OGM.
- 8) OGM authorizes payment.
- 9) Final approval of the application occurs when the county/Abbott office notifies OGM that the paper application has been approved. This may occur after the EWEG is approved.

Processing and approval of a new application can be delayed if Final Reports for previous grants have not been submitted and approved as required.

P. Allocation Refusal

An LEA or private school may choose not to apply for its allocation under one or more of the programs by completing the appropriate refusal form. LEAs wishing to refuse funds under individual Titles must complete the Refusal of Funds page of the EWEG. If a Title has been refused, the applicant will be unable to budget funds in that Title.

If a private school chooses not to participate, a copy of the Private School Participation Refusal (provided in the application appendices and worksheets) must be submitted with the LEA's NCLB consolidated application. **Exception:** If a private school is refusing Title I services *only*, documentation must be maintained in the district.

Q. Approvals, Disapprovals, and Procedures for Appeal

The NJDOE approves applications that meet the statutory requirements. Upon approval, NJDOE sends the LEA a Notification of Grant Award and a Grant Acceptance Certificate (GAC). *After receipt of these documents*, the LEA must obtain board approval for *acceptance* of the funds and return the GAC to OGM. The NJDOE then issues payments to the LEA after receiving the completed, board-approved GAC.

The NJDOE may disapprove requests failing to meet any statutory requirements, but in all such cases, NJDOE will give reasonable written notice to the applicant and provide an opportunity for an appeal to the applicant before disapproving a request for funds.

R. Maintenance of Records

The applicant LEA is responsible for the use of all funds awarded and for the maintenance of project records for three (3) years following the completion of the activity for which the funds were used (GEPA §434 and EDGAR §80.42(b)). In addition, the applicant is responsible for *submitting*, in a timely manner, all Amendment Applications, Final Reports/Carry-Over Applications, Carry-Over Final Reports, and any other reports required by NJDOE.

SECTION IV

FISCAL REGULATIONS AND RESPONSIBILITY

FISCAL REGULATIONS AND RESPONSIBILITY

Budgeting and Expenditure Information

A. Accounting Procedures

Effective July 1, 1993, NJDOE regulations require that all LEAs prepare budgets and submit expenditure reports according to *The Uniform Minimum Chart of Accounts (Handbook 2R2) for New Jersey Public Schools*, referred to as Chart of Accounts. The budget pages in the NCLB application and reporting forms reflect the coding of accounts consistent with those in Generally Accepted Accounting Principles (GAAP). The handbook describes the coding of accounts in New Jersey school financial operations. The coding system, with its multidimensional structure, creates a common language of use in recording, reporting, and controlling the financial activities of school districts. Each LEA business office has a copy of the complete handbook issued in 1992, effective July 1, 1993. The NJDOE, Division of Finance, is in the process of updating the handbook. LEAs will be issued the revised handbook when available.

The compressed GAAP codes continue to be used. The application directions provide a quick reference of commonly requested costs. The compressed GAAP codes are for the purposes of this application only. For internal use, LEAs may be required to use their own accounting systems and coding.

The application's Budget Summary aggregates amounts for each expenditure category in the project budget. The Budget Detail pages delineate and clarify budgets for the purpose of reviewing and monitoring the projects' activities. **Budgets must be completed in conjunction with the LEA's business office to ensure consistent categorizing of expenditures.** Improper coding of expenditures is considered to be in noncompliance with *N.J.A.C. 6A:23-2.2(g)*. Instances of noncompliance noted by auditors must be reported in the Auditor's Management Report.

Commingling Funds

LEAs *may not* commingle NCLB funds with other federal, state, or local funds and **no commingling of funds is permitted among Titles included in the NCLB Application.** The basic requirement is to maintain the fiscal identity of each Title award. This requirement is satisfied by the use of separate accounts that include an "audit trail" of the expenditures for each project awarded.

There is one exception to commingling. Program funds may be combined in an approved schoolwide program under NCLB §1114. Information on schoolwide programs is included in Appendix D in this manual. There are specific requirements for submitting time sheets for schoolwide program employees. Refer to *OBM Circular A-87, Attachment B* (as amended May 10, 2004 with an effective date of June 9, 2004) for more information (see Section II in this manual).

B. Allocation Refusal

An LEA or private school may choose not to apply for its allocation under one or more of the covered programs by completing the appropriate refusal form. For more information see “Allocation Refusal” in Section III of this manual.

C. Cash Management for Grants in Excess of \$50,000

Pursuant to EDGAR 34 CFR, Part 80.20 (b)(7) Cash Management, NJDOE is required to monitor grantees’ cash on hand each fiscal year. NJDOE has established procedures to ensure the receipt of reports of cash balances and cash disbursement in order to prepare and complete accurate cash transactions to the USDOE.

During FY 2005, the cash-on-hand analysis will be conducted in March 2005. A “Cash Analysis Report” is forwarded to each LEA awarded federal entitlement funds in excess of \$50,000. During the review of the report, the amount of federal cash received and the expenditures incurred at a designated point in time are compared. If cash on hand is in excess of one monthly payment, entitlement payments will be delayed until the LEA provides documentation that all issues are resolved.

D. Period of Obligation

In accordance with EDGAR, 34 CFR Part 76.708 & 80.23, LEAs may begin to obligate funds on the later of the following dates:

- The beginning of the project period (September 1, 2004).
- The date that the application is received by NJDOE in “substantially approvable form.”

LEAs must begin to operate their programs at the beginning of the project period (subject to the above conditions). Upon receipt of the grant approval and funding and if funds have already been expended, the LEA makes the appropriate charge-backs. Reimbursement for obligations is subject to final approval of the application. If the LEA expends funds on unallowable costs prior to application approval, the LEA is responsible for covering those costs from other funds.

The project period for the FY 2005 NCLB Application is September 1, 2004 to August 31, 2005. **All funds must be obligated by August 31, 2005, and liquidated by November 30, 2005.** LEAs must submit an application for approval to carry over unused NCLB funds into the next project period. Carry-over funds not obligated by the LEA at the end of the project period for which funds were allocated or approved for carry-over by the NJDOE must be returned to the NJDOE with the Final Report.

Fiscal Year Calendar			
Fiscal Year	Project Period	Obligation Deadline	Liquidation Deadline
2003 carry-over	9/1/03 – 8/31/04	August 31, 2004	November 30, 2004
2004	9/1/03 – 8/31/04	August 31, 2004	November 30, 2004
2004 carry-over	9/1/04– 8/31/05	August 31, 2005	November 30, 2005
2005	9/1/04 – 8/31/05	August 31, 2005	November 30, 2005

Purchases are deemed obligated as the follow chart shows:

OBLIGATION REFERENCE CHART

If an obligation is for . . .	then the obligation is made on the date . . .
(1) acquisition of “real or personal property”	the district makes a “binding written commitment” to acquire the property
(2) personal services by a district employee	the services are performed
(3) personal services by a contractor who is not district employee	the district makes a “binding written commitment” to obtain the services
(4) performance of work other than personal services	the district makes a “binding written commitment” to obtain the work
(5) public utility services	the district receives the services
(6) travel	the travel is taken
(7) rental of real or personal property	the district uses the property
(8) a pre-agreement cost that was properly approved by the state under applicable cost principles	the subgrant period begins

E. Maintenance of Effort

Maintenance of effort computations must be done annually. Each LEA may receive its full allocation if either its combined fiscal effort per pupil or aggregate expenditures of state and local funds for free public education in the preceding year (2002-2003) were not less than 90 percent of the expenditures for the second preceding year (2001-2002). If the LEA fails to meet the 90 percent level, the SEA must reduce the LEA's allocation by the exact percentage of each "titled program" for which the LEA failed to meet the 90 percent level. The USDOE has the authority to waive this requirement for one year if the SEA determines that the waiver would be equitable because the failure to comply was caused by exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the LEA. (See NCLB §9521 and Section I of this manual for waiver process.)

The 90 percent level of expenditures can include funds used for administration, instruction, health services, pupil transportation, plant operation and maintenance, fixed charges, and net expenditures covering deficits for food services and student activities. They *cannot* include expenditures for capital outlay, debt service, or expenditures made from federal funds.

F. Comparability

Title I

LEAs receiving Title I, Part A funds are required to assure compliance with comparability requirements [NCLB §1120A(c)]. LEAs are required to conduct comparability calculations annually and to submit the calculations as part of the NCLB consolidated application. The form and directions are available on the NJDOE Web site as part of the parallel paper application.

An LEA may receive Title I, Part A funds only if it uses state and local funds to provide services in Part A schools that are at least comparable to the services provided in schools that are not receiving Part A funds. If the LEA serves all of its schools with Part A funds, the LEA must use state and local funds to provide services that are substantially comparable in each Part A school. An LEA may determine comparability on a districtwide basis or on a grade-span basis, according to the following guidelines:

- Even if all schools in the LEA or in a grade-span grouping are served, the LEA must demonstrate that it will use state and local funds to provide services that, taken as a whole, are substantially comparable in each school. For example, the LEA, in order to establish a comparison to determine that services are "substantially comparable," may calculate ratios for the group of schools serving program areas with the lowest percentage of children from low-income families. The ratio for each of the other program schools would then be compared with the average calculated for the comparison group of program schools.
- Although there is no limitation on the number of grade spans an LEA may use, the number should match the basic organization of schools in the LEA. For example, if the LEA's organization includes elementary, middle, and high schools, the LEA would have three grade spans.

- If there is a significant difference in the enrollments of schools within a grade span (i.e., the largest school in the grade span has an enrollment that is two times the enrollment of the smallest school in the grade span), the LEA may divide grade spans into a large school group and a small school group.
- The comparability requirement does not apply to an LEA that does not have more than one building for each grade span. An LEA may also exclude schools with 100 or fewer students from its comparability determinations.
- An LEA must establish and implement the following:
 - Districtwide salary schedule.
 - Policy to ensure equivalence among schools in teachers, administrators, and other staff.
 - Policy to ensure equivalence among schools in the provision of curriculum materials, and instructional supplies.

As an alternative, an LEA may meet the comparability requirement if it establishes and implements other measures for determining compliance such as student/instructional staff ratios or student/instructional staff salary ratios. For example, an LEA may do one of two things:

- 1) Compare the average number of students per instructional staff in each Part A school with the average number of students per instructional staff in schools not participating in Part A programs. A Part A school is comparable if its average does not exceed 110 percent of the average of schools not participating in Part A programs.
- 2) Compare the average instructional staff salary expenditure per student in each program school with the average instructional staff salary expenditure per student in schools not participating under Part A. A Part A school is comparable if its average is at least 90 percent of the average of schools not participating in Part A programs.

Note:

- *Staff salary differentials for years of employment **will not be included** in comparability determinations.*
- *An LEA need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining comparability of services.*

Records

If the LEA files a written assurance that it has established and implemented a districtwide salary schedule and policies to ensure equivalence among schools in staffing and in the provision of materials and supplies, it must keep records to document that the salary schedule and policies were implemented and that equivalence was achieved among schools in staffing, materials, and supplies. If the LEA established and implemented other measures for determining compliance with comparability such as student/instructional staff ratios, it must maintain source documentation to support the calculations and documentation to demonstrate that any needed adjustment to staff assignments was made.

Developing Procedures for Compliance

An LEA must develop procedures for compliance with the comparability requirement and implement those procedures annually. An LEA is required to document compliance with the comparability requirement annually.

Determining Compliance

When determining compliance for comparability, an LEA may exclude state and local funds expended as follows:

- Bilingual education for limited English proficient (LEP) children.
- Excess costs of providing services to children with disabilities as determined by the LEA.

Note: Title I no longer permits any exclusion of supplemental state or local funds from the Title I comparability requirement.

G. Supplement, Not Supplant

For all programs, federal funds can be used only to supplement and, to the extent practical, increase the level of funds that would, in the absence of federal funds, be made available from nonfederal sources. [NCLB §1120A(b); 2123(b); 3115(g); 4114(d)4; 6232] In no case may an LEA use federal program funds to supplant funds from nonfederal sources. Additionally, **Title II, Part D** includes an assurance that financial resources provided under the Ed Tech program will supplement, and not supplant, state and local funds. For **Title V, Part A**, as affirmed by the US Supreme Court, services for private school students must supplement and in no case supplant the level of services that would be available to participating private school students in the absence of Title V services.

Generally, an LEA is presumed to fund state-mandated programs with local and/or state funds. The use of federal funds for these programs would be considered supplanting. In certain instances, however, an LEA may overcome this supplanting presumption. The LEA would have to demonstrate through written documentation (e.g., state or local legislative action, budget information, or other materials) that it does not have the funds necessary to implement the program or activity and that the program or activity would not be carried out in the absence of federal funds. This rule also applies to Title V, Part A. An LEA may not, however, decrease state or local funds for particular activities because federal funds are available.

The following question may help determine if funds are supplemental: “If these funds had not been available, what would the LEA have done instead?” Although most programs are covered by the supplement, not supplant requirements, there are additional criteria and guidance for several programs.

- Language Instruction Programs under Title I, Part A: LEAs may exclude funds used for language instruction education programs and may also exclude the excess costs of providing services to children with disabilities.
- Schoolwide Programs and Targeted Assistance Schools operating Schoolwide Programs under Title I (Parts A and C) do not have to show that federal funds used in the school are being used to pay for service that would otherwise not be provided, show that these funds are

being used only for targeted populations, or track federal program funds separately at the school level. The school is, however, required to use federal funds combined from Title I and other federal programs to supplement nonfederal funding sources for the school. LEAs can exclude supplemental state or local funds spent in these schools from determinations of compliance with supplement, not supplant requirements.

- Bilingual Programs Funds: An LEA can use federal bilingual program funds to carry out a federal or state court order detailing services for limited English proficient children or for a plan approved by the Secretary of Education to comply with the Civil Rights Act.

The *OMB Circular A-133 Compliance Supplement* (see “Federal and State Regulations and Priorities” in Section II of this manual) elaborates on instances when it is presumed that supplanting has occurred:

- If the SEA or LEA uses federal funds to provide services that the SEA or LEA was required to make available under other federal, state, or local laws.
- If the SEA or LEA uses federal funds to provide services that the SEA or LEA provided with nonfederal funds in the prior year.
- If the SEA used Title I, Part A funds to provide services for participating children that the SEA or LEA provided with nonfederal funds for nonparticipating children.

Some USDOE policy letters providing examples of supplementing versus supplanting are provided in Appendix E of this manual.

H. Allowable Costs

The following list was developed to highlight allowable costs or costs that have prompted questions in the past. It is not an exhaustive list of allowable costs. Additional fundable activities are described in the individual Title sections elsewhere in this document and in particular, see Appendix C. Also refer to OMB Circular A-87, Attachment B (as modified May 10, 2004, effective June 9, 2004) for more details on costs and their treatment.

All Titles

Split-funding of salaries and equipment among grant programs is allowed if the following parameters are met:

- The portion of time allocated to each grant for funded personnel and the amount on the respective budget detail section are clearly indicated.
- Documentation is maintained that demonstrates and verifies that the activities were implemented.
- The portion of time and the dollars allotted to each grant are substantiated.
- Refer to *OMB Circular A-87, Attachment B*, Section 11(h) “Support for Salaries and Wages” for time sheet requirements.

Title I, Part A

Audit fees are allowable and can be charged to 200-300 or to indirect costs (LEA must have an approved rate). In either case, these costs are administrative, which cannot exceed 5 percent of the total Title I allocation.

Salaries:

Purchase orders for items funded by Title I should reflect the following:

- The account number to be charged;
- The program (Title I) that is funding the purchase;
- Business administrator's signature; and
- Easily identifiable Title I amounts if purchase order is split between programs.

Final invoices should tie to the purchase order and/or reconcile to the amount posted to Title I funds. The amounts should be easily identifiable and reconcilable.

Title II, Part A

Funds may be used to pay stipends to private school teachers participating in professional development activities and *must* be paid directly to the private school teachers for their own use and not to the private school.

Funds may be used to support the acquisition of advanced degrees if this is consistent with the LEA's needs assessment.

Other LEA uses of funds and a list of authorized activities can be found in Section V, Appendix C.

Title II, Part D

A minimum of 25 percent of Title II, Part D funds for educational technology are required to be used to provide ongoing, sustained, and intensive, high-quality professional development. The district shall provide professional development in the integration of advanced technologies, including emerging technologies, into curricula and instruction and in using those technologies to create new learning environments, such as professional development in the use of technology, to do the following:

- Access data and resources to develop curricula and instructional materials.
- Enable teachers to use the Internet and other technology to communicate with parents, other teachers, principals, and administrators and to retrieve Internet-based learning resources.
- Lead to improvements in classroom instruction in the core academic subjects that effectively prepare students to meet challenging state academic content standards, including increasing student technology literacy and student academic achievement standards.

The 25 percent minimum allocation requirement for professional development does *not* apply to a district that seeks a waiver if it demonstrates that ongoing, sustained, and intensive, high-quality professional development is already being provided to all teachers in core academic subjects in the integration of advanced technologies, including emerging technologies, into curricula and instruction. Professional development must be based on a review of relevant research. See the Educational Technology Professional Development Waiver in the NCLB application.

The seventy-five percent (75%) of the funding is to be used to implement other activities consistent with the purposes of Title II, Part D and the district's local technology plan. Program elements and authorized activities are described in Appendix C of this manual.

Title III, Part A

LEAs must use Title III funds to provide high-quality language instruction educational programs that are based on scientifically based research demonstrating effectiveness in increasing English and student academic achievement in the core academic subjects. Subgrants may be used for the following:

- Develop and implement new language instruction educational programs and academic content instructional programs for limited English proficient students in early childhood, elementary, and secondary programs.
- Expand or enhance existing language instruction educational programs by identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment procedures.
- Implement schoolwide programs within individual schools to restructure, reform, and upgrade all programs, activities, and operations related to language instruction programs and academic content instruction programs for limited English proficient students.
- Provide the following:
 - Tutorial and academic or vocational education for LEP children and intensified instruction.
 - Community participation programs, family literacy services, and parent outreach and training activities to LEP children and their families.
 - Improved instruction of LEP children by providing for the acquisition or development of educational technology or instructional materials and access to, or participation in, electronic networks for materials, training, and communication.

Note: No more than 2 percent of the subgrant may be used for administrative purposes.

Title III Supplemental Immigrant Student Aid

Subgrants may be used for the following purposes:

- Developing and implementing new language instruction educational programs and academic content instructional programs for limited English proficient students in early childhood, elementary and secondary programs;
- Expanding or enhancing existing language instruction educational programs by identifying, acquiring and upgrading curricula, instructional materials, educational software, and assessment procedures;
- Implementing schoolwide programs within individual schools to restructure, reform and upgrade all programs, activities and operations related to language instruction programs and academic content instruction programs for limited English proficient students; and
- Providing the following:
 1. tutorial and academic or vocational education for LEP children;
 2. community participation programs, family literacy services, and parent outreach and training activities to LEP children and their families; and

3. improved instruction of LEP children by providing for the acquisition or development of educational technology or instructional materials.

In order to be eligible for a supplemental immigrant grant, LEAs or consortia must have received a minimum Title III allocation of \$10,000 based on their limited English student enrollment.

Title IV, Part A, School Security Costs

The cap on funds for the following security-related expenses remains at 20% of the Title IV allocation in total [NCLB §4115(b)(2)(E)]:

- Acquiring and installing metal detectors, electronic locks, surveillance cameras, or other related equipment and technologies;
- Reporting criminal offenses committed on school property;
- Developing and implementing comprehensive school security plans or obtaining technical assistance concerning such plans, which may include obtaining a security assessment; and
- Supporting safe zones of passage activities, including bicycle and pedestrian safety programs that ensure that students travel safely to and from school.

The 20% described above, plus an additional 20% (or up to 40% of the Title IV allocation) may be used for:

- The hiring and mandatory training, based on scientific research, of school security personnel (including school resource officers) who interact with students in support of youth drug and violence prevention activities implemented in schools.

Title IV funds may be used for the security-related activities described above only to the extent that an LEA does not receive funding for those activities from other Federal agencies. These activities are subject to the Principles of Effectiveness [NCLB §4115(a)].

Title V, Part A

Title V has a broad range of allowable costs as per NCLB §5131. The list of 27 local uses of funds is provided in Appendix C.

I. Unallowable Costs

All Titles

Distributing materials or operating programs that promote or encourage sexual activity; distributing legally obscene materials to minors on school grounds; providing sex education or HIV prevention education unless such instruction is age-appropriate and includes the health benefits of abstinence; or operating a program of contraceptive distribution in schools. [NCLB §9526]

Refer to *OMB Circular A-87, Attachment B*, “Selected Items of Cost,” for other specifically identified unallowable costs.

Title II, Part A

The salary of a parent education coordinator is an unallowable cost.

Use of funds for state-mandated programs such as mentoring may or may not be allowable. For more detail, see the previous “Allowable Costs and Supplement, not Supplant” sections.

Funds may not be used to pay for substitute teachers for private school teachers who attend professional development activities.

Title IV, Part A

Medical services, drug treatment or rehabilitation, except for pupil services or referral to treatment for students who are victims of, or witnesses to, a crime or who illegally use drugs. Consistent with this prohibition, LEAs may *not* use Title IV funds to pay for either drug tests conducted *as part of* the required medical examination of students suspected of being under the influence of alcoholic beverages or other drugs on school property or at school functions, as set forth in *N.J.S.A.* 18A:40A-12 and *N.J.A.C.* 6A:16-4.3, or for any other component of the required medical examination of students suspected of being under the influence. This prohibition does not preclude the use of Title IV funds for drug tests that are conducted outside of the required medical examination for students suspected of being under the influence, pursuant to *N.J.S.A.* 18A:40A-12 and *N.J.A.C.* 6A:16-4.3. Per NCLB §4115(b)(2)(E)(xiv), “Consistent with the Fourth Amendment to the Constitution of the United States, the testing of a student for illegal drug use or the inspecting of a student’s locker for weapons or illegal drugs or drug paraphernalia, including at the request of or with the consent of a parent or legal guardian of the student, if the LEA elects to test or inspect” is permitted. The prohibitions set forth above are consistent with items 13 and 16 of the Title IV, Part A section of the Assurances and Certification of the NCLB application.

Title V, Part A

An LEA may not use Title V, Part A funds to contract with a for-profit agency, organization, or institution to operate programs or conduct programmatic activities. However, this does not preclude the LEA from contracting with an individual or a for-profit corporation or other organization to purchase specific goods or services (e.g., equipment and materials, computer hardware and software, audit services, evaluation services, professional development services) to assist in carrying out a program.

J. Administrative Costs

Administrative costs are permitted, with the following restrictions:

- A maximum of 5 percent of each grant award of **Titles I, II-A, II-D, and V** may be used for administrative costs.
- For **Titles III and IV** the maximum is 2 percent.
- No administrative funds may be used from **Title I School Improvement**.

Administrative costs include expenditures for activities concerned with overall administrative responsibility for a grant program such as the following:

- Supervising the application of funds.
- Assigning duties to staff members.
- Supervising and maintaining records pertaining to the grant program.
- Coordinating activities with other locally, federally, and state-funded activities, including the work of clerical staff in support of teaching and administrative duties.
- Full-time department chairpersons' expenditures.
- The prorated expenditures of part-time department chairpersons.

Administrative costs may include the salaries of *program directors* (200-100), salaries of *secretarial and clerical assistants* (200-100), the *pro rata share of fringe benefits* for salaries included in the preceding categories (200-200), *purchased professional services*-excluding services for professional development activities (200-300), *purchased technical services* (200-300), *rentals of noninstructional equipment* (200-400), *travel for administrative staff* (200-580), *administrative supplies and materials* (200-600), and *indirect costs* (200-860). (Use of the Indirect Cost category must be approved by NJDOE. See "Indirect Costs" below for more information.) Administrative costs *do not include* expenditures for supervisors of instruction, inservice teacher training, or other professional development activities.

Each expenditure should be evaluated individually as to its function (i.e., instructional vs. administrative), with each budgeted item clearly linked to an identifiable activity reflecting the nature of the expenditure. The cost of the activities must be supported in the Program Plan. (All administrative funds charged to the grant program must be shown on the NCLB application's Administrative Costs Budget Detail page.)

Private school funds may be used for administrative purposes, up to their equitable share, providing the private school has been consulted and is in agreement.

Note: If an employee splits time among the "covered programs" and other local, state, or federal programs, time and activity records showing the actual time spent on each program or activity must be maintained. (See *OMB Circular A-87, Attachment B*, Section 11(h)(4) for time reporting requirements.)

K. Equipment

The capitalization threshold used by school districts and charter schools in the State of New Jersey continues to be \$2000. (See revised pages 72 and 73 of *The Uniform Minimum Chart of Accounts (Handbook 2R2) for New Jersey Public Schools*.) If a district business administrator needs clarification of whether an item should be classified as equipment or supply, the district's auditor should be consulted.

Some federal, state, and local laws and regulations, usually in the form of funding programs, may present conflicting criteria for distinguishing between supplies and equipment. The criteria below are based on a combination of the most practical guidelines from these laws and regulations. Unless otherwise bound by federal, state, or local law, LEAs should use these criteria in their supply/equipment classification decisions.

An equipment item is any instrument, machine, furniture, apparatus, or set of articles that meets *all* of the following criteria:

- It retains its original shape, appearance, and character with use.
- It does not lose its identity through fabrication or incorporation into a different or more complex unit or substance.
- It is nonexpendable—that is, if the item is damaged or some of its parts are lost or worn out, it is more feasible to repair the item than to replace it with an entirely new unit.
- Under normal conditions of use, including reasonable care and maintenance, it can be expected to serve its principal purpose for at least one year.
- The item *costs more than \$2,000*.

An item should be classified as a supply if it does not meet *all* the equipment criteria listed above.

Title I Fiscal Responsibilities for Equipment: LEAs that purchase equipment with Title I funds must:

- Maintain a master inventory listing;
- Label all equipment properly;
- Maintain inventory records for a minimum of five years after disposition of equipment; and
- Maintain at the school level a subsidiary listing of Title I equipment.

L. Indirect Costs

Indirect costs may be charged to the programs if the LEA has an Indirect Cost Rate approved by the NJDOE. The cost to be charged to each program is calculated by applying an *approved* Indirect Cost Rate, restricted rate only, to the Total Funds Requested by program as shown on the Title Page of the Consolidated Application. An example is contained in the application directions. LEAs may obtain an approved calculated rate by completing and submitting an “Application for Indirect Cost” to the NJDOE, Office of Fiscal Policy and Planning. *Indirect costs should be shown on the Budget Detail, “Administrative Costs,” page and on the Title I Eligibility Summary of the application.*

M. Teacher’s Pension & Annuity Fund (TPAF) and Social Security (FICA) Charges

All LEAs budgeting federal grant funds for salaries of full- and part-time staff who participate in TPAF *must* include TPAF and FICA contributions in the federal grant budget according to *N.J.S.A. 18A:66-90*. A minimum of **15 percent** must be budgeted for FY 2005. *For those employees working for more than their base salary (i.e., stipends), an additional 7.65 percent of the wages in excess of the base salary must be budgeted for FICA.* Other benefits may also be budgeted; however, all TPAF/FICA and other fringe benefits must be budgeted in proportion to the allocated federal salary.

Title I Responsibilities: The use of Title I funds for employee benefits is restricted to participants in TPAF (contracted teacher salaries, supervisors, program directors). Title I funds cannot be used to fund employee benefits for paraprofessionals, secretaries, clerks, substitute teachers, summer teachers or stipends.

N. Transferability of Funds and Small, Rural School Achievement (REAP)

The NCLB flexibility provisions (NCLB §6123, 6212, and 6221) allow LEAs and small, rural LEAs to transfer a portion of the funds they receive under certain federal programs to other programs that most effectively address their unique needs and to allocations for certain activities under Title I.

Transferability

An LEA (unless identified for improvement or subject to corrective action) may transfer not more than 50 percent of its eligible allocated funds to other eligible programs per NCLB §6123 (see chart below).

Programs	Transfer Funds From	Transfer Funds To
Title I, Part A		X
Title II, Part A	X	X
Title II, Part D	X	X
Title IV, Part A	X	X
Title V, Part A	X	X

Note: No Title I, Part A funds can be transferred.

LEAs identified for improvement (those with schools in need of improvement) may transfer not more than 30 percent of eligible funds to other eligible programs, providing the transferred funds are used only for schools in need of improvement.

An LEA identified for corrective action (with schools in need of improvement) may not transfer funds under this authority.

LEAs may apply to use this transfer option using the NCLB online application EWEG).

Transferred funds are subject to the rules and requirements of the programs to which they are transferred. The LEA shall conduct consultations with students, teachers, or other educational personnel from private schools if such transferred funds are transferred from a program that provides for private school participation.

LEAs may use different internal accounting methods to transfer funds. Examples are:

- Move funds from the account(s) of the program(s) from which the funds are being transferred into the account(s) of the program(s) to which the funds are being transferred.
- Establish a new, separate account for transferred funds.
- Keep the "transferred funds" in their original account(s), but maintain documentation

that shows how "transferred funds" in the original account(s) have been reclassified. In other words, in transferring funds, an LEA does not actually have to move funds from one account to another providing it maintains adequate documentation to account for the transfer.

Regardless of the method the LEA uses to transfer funds, the LEA must maintain records demonstrating how a program's overall funds (including the transferred funds) were spent. However, the LEA does not have to account separately for the expenditure of the funds that are transferred into a program and the allocation to which the transferred funds were added.

REAP - Alternate Uses of Funds Authority

LEAs eligible for the Small, Rural School Achievement Program are also eligible to use the Alternate Uses of Funds Authority. [NCLB §6212] This authority allows eligible LEAs to use funds from certain NCLB programs for other programs. Eligible LEAs may use the application to apply.

Programs	Transfer Funds From	Transfer Funds To
Title I, Part A		X
Title II, Part A	X	X
Title II, Part D	X	X
Title III		X
Title IV, Part A (&B)	X	X
Title V, Part A	X	X

O. Public Control of Funds and Property

The LEA must administer funds, retain control over the funds, and retain equipment, materials, and property that are purchased with federal funds. [NCLB §9501(d); EDGAR 34 CFR §76.661] The services and personnel or agencies providing services to private school children will be under the control and supervision of the LEA. Services to private school children must be provided by personnel employed by or under contract with the LEA. LEAs may *not* turn funds over to the private schools and allow the private school to oversee their use.

On June 28, 2000, the United States Supreme Court issued its decision in *Mitchell v. Helms*. It ruled that Title VI (now Title V) services, materials, and equipment provided for private school students must be secular, neutral, and nonideological.

Title to real property and nonexpendable personal property (tangible personal property having a useful life of more than one year and an acquisition cost of \$2,000 or more per unit) purchased by LEAs partly or wholly with federal funds will be vested in the LEA until the assets are no longer available for use in the federally sponsored program, or used for purposes not authorized by the state grantor agency. At that time, federal and state equitable interest will be refunded to the state in the

same proportion as the federal and state participation in its costs of acquisition. [EDGAR 34 CFR §80.32]

P. Consolidated Administrative Costs

NCLB funds may be used to support administrative positions that oversee more than one of the programs, as well as other associated costs (e.g., supplies). In this situation, it may be more efficient to consider these costs as “consolidated administrative costs” which are shared among the programs. The LEA is not required to maintain separate records indicating the percentage of time dedicated to individual projects. Consolidated administrative costs must be attributed to each program and each function/object code. An LEA may consolidate up to the amount allowable for each title to be used for the administration and coordination of one or more programs.

SECTION V
APPENDICES

STEVENS AMENDMENT

Section 8136 of the Department of Defense Appropriations Act (P.L. 100-463)

When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with federal money, all grantees receiving federal funds, including but not limited to state and local governments, shall clearly state (1) the percentage of the total cost of the program or project which will be financed with federal money, (2) the dollar amount of federal funds for the project or program, and (3) the percentage and dollar amount of the total costs of the project or program that will be funded by non-governmental sources.

APPENDIX A: DEFINITION OF TERMS

Achievement Gap: Title I requires schools to close achievement gaps across several subgroups of students, assuring that each group meets the same benchmarks as they move toward meeting the federal Title I goal of 100 percent proficiency in language arts literacy, mathematics and science by 2014. To meet this federal goal, schools and districts must assure that they 1) use scientifically based programs; 2) employ highly qualified teachers and paraprofessionals; 3) assure full parent involvement; and 4) focus on early reading in grades K-3.

Access to Internet: A computer shall be considered to have access to the Internet if such computer is equipped with a modem or is connected to a computer network that has access to the Internet.

Acquisition or Operation: An elementary school or secondary school shall be considered to have received funds under **Title II, Part D** for the acquisition or operation of any computer if such funds are used in any manner, directly or indirectly, for the following:

- To purchase, lease, or otherwise acquire or obtain the use of such computer.
- To obtain services, supplies, software, or other actions or materials to support, or in connection with, the operation of such computer.

Adequate Yearly Progress (AYP): A series of performance goals that every school, school district, and the state as a whole must achieve within time frames specified by law in order to meet the 100% proficiency goal of the federal *No Child Left Behind Act*. AYP applies to all public schools, including Title I and non-Title I schools. Non-Title I schools must meet AYP for *No Child Left Behind*, but they are not subject to the rewards and sanctions under Title I.

To meet AYP, each school and district must meet the following criteria:

- **95% Participation:** Students as a whole and each student subgroup with at least 20 students must have a participation rate of 95% or above on state assessments;
- **Meet or Exceed Proficiency:** Students as a whole and each student subgroup with at least 20 students must meet the State's measurable AYP goals regarding the percentage of students scoring proficient or better on the state assessments.
- **Secondary Measure:** Each school, school district, and the state as a whole must show progress on an additional measure (graduation rate for high school and attendance rate for elementary and middle schools). To make safe harbor for any student subgroup, the secondary measure must also be met.

Amendment: A change made to the budget or scope of an approved application for which the LEA has received a Notification of Grant Award.

Administrative Personnel: Individuals providing other than direct services to children, such as directors, supervisors, coordinators, and clerical staff (see Section IV “Administrative Costs” in this manual).

Average Daily Attendance: The aggregate number of days of attendance of all students during a school year divided by the number of days school is in session during that year. If an LEA in which a child resides makes a tuition or other payment for the child’s free public education to another school district, consider the child to be in attendance at a school of the LEA making the payment.

Carry-Over: NCLB funds that are not obligated by the recipient by the end of the project period for which the funds were awarded. The LEA may apply to the NJDOE to utilize these funds in the next project period (see Section III, “Final Reports” in this manual).

Capital Expenses: Costs for noninstructional goods and services incurred by LEAs in the delivery of **Title I** services *only* to eligible private school students as a result of the continuation of compliance with the requirements of the U.S. Supreme Court *Aguilar v. Felton* decision as overruled in *Agostini v. Felton*. The expenditure categories include: 1) the purchase, lease, or renovation of real and personal property including mobile educational units and leasing neutral sites or spaces; 2) insurance and maintenance costs; 3) transportation; and 4) other comparable goods and services including noninstructional computer technicians.

Chart of Accounts: *The Uniform Minimum Chart of Accounts (Handbook 2R2) for New Jersey Public Schools* that provides a description of the account classifications (dimensions) comprising the coding of accounts for New Jersey school financial operations.

Charter School: An independent public school designed and operated by parents, educators, community leaders, education entrepreneurs and others. These schools operate with a contract, or charter from the New Jersey Department of Education. They must meet state standards set forth in their charters for students and for the school as a whole, or else the department can close the school.

Community-Based Organization: A public or private nonprofit organization of demonstrated effectiveness that is representative of a community or significant segments of a community and provides educational or related services to individuals in the community.

Consortium Consolidated Formula Subgrant Application: A joint Consolidated Application submitted by a lead LEA in which two or more eligible LEAs combine their allocations to provide comprehensive services.

Core Academic Subjects: English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

Covered Programs: Each of the formula programs authorized by NCLB and covered in the NCLB application.

Drug: Includes controlled substances; the illegal use of alcohol and tobacco; and the harmful, abusive, or addictive use of substances, including inhalants and anabolic steroids.

Drug and Violence Prevention: 1) With respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of drugs; 2) With respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

Eligible Attendance Area: The area in which the percentage of children from low-income families who live in the school attendance area is at least equal to the district level of poverty, is at least 35 percent or is located in a single attendance area

ESEA: Elementary and Secondary Education Act is the federal statute that specifies federal education requirements of states. The act was enacted in 1965.

Fiscal Year 2005: Refers to the 2004-2005 school year.

Formula Subgrant: An award made to an LEA for a program whose authorizing statute or implementing regulations provide a formula for allocating program funds.

Gifted and Talented: Students, children, or youth who give evidence of high achievement capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who need services or activities not ordinarily provided by the school in order to fully develop those capabilities.

Harmful to Minors: Any picture, image, graphic image file, or other visual depiction that meets the following criteria:

- Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion.
- Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals.
- Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

High-Need Local Education Agency: An LEA 1) that serves not fewer than 10,000 children from families with incomes below the poverty line, or for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line; and 2) for which there is a high percentage of teachers not teaching in the academic subjects or grade levels that the teachers were trained to teach, or for which there is a high percentage of teachers with emergency, provisional, or temporary certification or licensing.

Highly Qualified Teacher: A teacher who has obtained full state certification as a teacher (including certification obtained through alternative routes to certification) or passed the state's teacher licensing examination, and holds a license to teach in such state.

- When used in respect to a public charter school teacher, the term means that the teacher meets the requirements set forth in the state's public charter school law.
- When used with respect to an elementary school teacher who is new to the profession, it means that the teacher holds at least a bachelor's degree and demonstrated subject knowledge and teaching skills in reading, writing, mathematics, and other areas of the basic elementary school curriculum by passing a rigorous state test (may consist of state-required certification or licensing test, or tests in school curriculum areas).
- When used with respect to a middle or secondary school teacher who is **new** to the profession, it means the teacher holds at least a bachelor's degree and demonstrated a high level of competency in each of the academic subjects in which the teacher teaches by: passing a rigorous state test in each academic area in which the teacher teaches (may consist of state-required certification or licensing test, or tests in each academic area in which the teacher teaches); **or** successful completion, in each subject area in which the teacher teaches, of an academic major, graduate degree, coursework equivalent to an undergraduate academic major, or advanced certification or credentialing.
- When used with respect to an elementary, middle, or secondary school teacher who is *not* new to the profession, it means the teacher holds at least a bachelor's degree and meets the applicable standard listed under the third bullet, with the option for a test or demonstrates competence in all the academic subjects in which the teacher teaches, based on a high objective uniform state standard of evaluation that meets the following criteria:

- Is set by the state for both grade appropriate academic subject matter knowledge and teaching skills.
- Is aligned with challenging state academic content and student academic achievement standards and developed in consultation with core content specialists, teachers, principals, and school administrators.
- Provides objective, coherent information about the teacher's attainment of core content knowledge in the academic subjects in which the teacher teaches.
- Is applied uniformly to all teachers in the same academic subject and the same grade level throughout the state.
- Takes into consideration, but not based primarily on, the time the teacher has been teaching in the academic subject.
- May involve multiple, objective measures of teacher competency.

Highly Qualified Vocational Education Teacher: Only vocational education teachers who teach core academic courses are required to meet the definition of a highly qualified teacher. These include: English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

For example, a vocational teacher who teaches a course in Applied Physics for which students receive a science credit must hold a four-year degree, be licensed or certified by the state, and demonstrate subject matter competence in order to be considered highly qualified. Although the course is taught by a vocational teacher, it is counted as a science credit; therefore, it is considered a core academic requirement and the teacher must meet the definition of a highly qualified teacher.

Immigrant Students: Immigrant children and youth who are 3 through 21 years of age, were not born in the United States, and have not been attending one or more schools in any one or more states for more than three full academic years.

Indirect Costs: Expenses incurred by the LEA for services provided to the NCLB project that are not directly identifiable with a federal program such as bookkeeping, accounting, purchasing, personnel, and utilities.

Indirect Cost Rate: A rate that LEAs are eligible to claim for indirect costs based on an annually state-approved individually calculated rate.

Institution of Higher Education

Section 101(a) of the Higher Education Act (HEA) provides the following definition of an "institution of higher education":

- Admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate.
- Is legally authorized within the state to provide a program of education beyond secondary education.

- Provides an educational program for which the institution awards a bachelor's degree or provides not less than a two-year program that is acceptable for full credit toward such a degree.
- Is a public or other nonprofit institution.
- Is accredited by a nationally recognized accrediting agency or association, or if not so accredited, is an institution that has been granted pre-accreditation by such an agency or association that has been recognized by the USDOE for the granting of pre-accreditation status, and the USDOE has determined that there is a satisfactory assurance that the institution will meet the accreditation standards of such an agency or association within a reasonable time.

Instructional Equipment: Equipment for use by children and instructional staff for direct instruction. Tangible personal property (excluding computer software and kits), exclusive of real property, having a useful life of more than one year and an acquisition cost of **\$2000** or more per unit including shipping and handling and/or installation.

Instructional Supplies: Materials used to provide direct services to children with a unit price of less than **\$2000**; however, all instructional computer software and kits regardless of cost are considered “instructional supplies.”

Intradistrict School Choice: Children are eligible for school choice when the Title I school they attend has not made adequate yearly progress in improving student achievement, as defined by the state, for two consecutive years or longer and is identified as needing improvement. Any child attending such a school must be offered the option of transferring to a public school in the same district including a charter school that is not identified for improvement.

LEA Consolidated Formula Subgrant Application: A Consolidated Application submitted by one LEA pursuant to NCLB §9305 for more than one federal program that demonstrates cross-program coordination, planning, and service delivery and integration of NCLB programs with educational activities funded through state and local resources.

Limited English Proficient: Students from prekindergarten through grade 12 whose native language is other than English and who have sufficient difficulty speaking, reading, writing, or understanding the English language as measured by an English proficiency test, so as to be denied the opportunity to learn successfully in the classrooms where the language of instruction is English.

Local Education Agency (LEA): A public Board of Education or other public authority legally constituted with a state for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, township, school district, or other political subdivision of the state.

Mentoring: A process by which a responsible adult, postsecondary student, or secondary school student works with a child to provide a positive role model for the child, to establish a supportive relationship with the child, and to provide the child with

academic assistance and exposure to new experiences and examples of opportunity that enhance the ability of the child to become a responsible adult.

Minor: An individual who has not attained the age of 17.

Noninstructional Equipment: Equipment used to provide other than direct services to children. Tangible personal property (excluding computer software and kits), exclusive of real property, having a useful life of more than one year and an acquisition cost of **\$2000** or more per unit including shipping and handling and/or installation charges.

Noninstructional Supplies: Materials used to provide other than direct services to children with a unit price of less than **\$2000**, such as noninstructional reference books, assessment tools, computer software, kits, and/or other administrative supplies.

Nonoperating Districts: Local school districts that have no schools but have one or more children residing within their jurisdiction.

Nonprofit: As applied to a school, agency, organization, or institution, nonprofit means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

Nonsupplant Assurance: An assurance that financial resources provided under the Ed Tech program will supplement, and not supplant, state and local funds.

Nonsupplanting: The use of funds provided under NCLB to supplement the level of state and local funds expended by the LEA for the education of children that will in no case replace those state and local funds on an aggregate basis.

Out-of-Field Teacher: A teacher who is teaching an academic subject or a grade level for which the teacher is not highly qualified.

Paraprofessional: An employee who provides instructional support in a program supported with Title I, Part A funds. As it relates to NCLB, a *new* paraprofessional shall meet one of the following qualifications:

- Completed at least two years of study as defined by the institution at an institution of higher education.
- Obtained an associate's (or higher) degree.
- Met a rigorous standard of quality and can demonstrate, through a formal state or local academic assessment either knowledge of, and the ability to assist in instructing, reading, writing, and mathematics; or knowledge of, and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate.

Note: The receipt of a secondary school diploma (or its recognized equivalent) shall be necessary but not sufficient to satisfy the requirements.

For *existing* paraprofessionals, LEAs shall ensure that all paraprofessionals hired before the date of enactment of the *No Child Left Behind Act of 2001*, and working in a program supported with NCLB funds, shall satisfy the requirements listed above for new paraprofessionals no later than four years after the date of the NCLB enactment (January 8, 2006).

This requirement does not apply to paraprofessionals who act only as translators or whose duties consist solely of conducting parental involvement activities [NCLB §1119(e)].

Parent Involvement: The participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities that ensure the following, among others:

- Parents play an integral role in assisting their child's learning.
- Parents are encouraged to be actively involved in their child's education at school.
- They are full partners in their child's education and are included, as appropriate, in decision-making and on advisory committees to assist in the education of their child.

Parent's Right to Know: A provision in NCLB that at the beginning of the school year, schools receiving Title I, Part A funds must notify parents of each student that the parent may request and receive information on the professional qualifications of the student's classroom teacher. Additionally, the law requires that if, after four consecutive weeks, a student is being taught by a teacher who is not highly qualified, parents are to be notified.

Principles of Effectiveness: The criteria with which **Title IV, Part A** activities must comply, at a minimum. Included areas are: Assessment of Objective Data, Performance Measures, Evidence of Program Effectiveness, Analysis of Data, and Meaningful Parent Involvement. For details, see Title IV, Part A "Program Elements" in Appendix C.

Private Schools: Nonprofit institutional day or residential schools that provide preschool, elementary, or secondary education as determined under state law for students *placed by their parents or legal guardians* and that are controlled by other than public authority. The definition includes sectarian and nonsectarian schools.

Project Period: The time period during which programs may be conducted and obligations may be authorized. The project period for the FY 2005 NCLB Consolidated Formula Subgrant is September 1, 2004, to August 31, 2005.

Professional Development: Activities that do the following:

- Improve and increase teachers' knowledge of the academic subjects the teachers teach, and enable teachers to become highly qualified.
- Are an integral part of broad schoolwide and districtwide educational improvement plans.

- Give teachers, principals, and administrators the knowledge and skills to provide students with the opportunity to meet challenging state academic content standards and student academic achievement standards.
- Improve classroom management skills.
- Are high quality, sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction and the teacher's performance in the classroom, and are not one-day or short-term workshops or conferences.
- Support the recruiting, hiring, and training of highly qualified teachers, including teachers who became highly qualified through state and local alternative routes to certification.
- Advance teacher understanding of effective instructional strategies that are:
 - Scientifically based (except that this subclause shall not apply to activities carried out under **Title II, Part D**).
 - Strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers.
- Are aligned with and directly related to state academic content standards, student academic achievement standards and assessments, and the curricula and programs tied to these.
- Are developed with extensive participation of teachers, principals, parents, and administrators of schools to be served under this Act.
- Are designed to give teachers of limited English proficient children, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments.
- Provide training, to the extent appropriate, for teachers and principals in the use of technology so that technology and technology applications are effectively used in the classroom to improve teaching and learning of the curricula and core academic subjects being taught.
- Are regularly evaluated, as a whole, for their impact on increased teacher effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of professional development.
- Provide instruction in methods of teaching children with special needs.
- Include instruction in the use of data and assessments to enhance classroom instruction.
- Include instruction in ways that teachers, principals, pupil services personnel, and school administrators may work more effectively with parents.

Professional development may also include activities that do the following:

- Involve forming partnerships with institutions of higher education to establish school-based teacher training programs that provide prospective teachers and beginning teachers with an opportunity to work under the guidance of experienced teachers and college faculty.
- Create programs to enable paraprofessionals (assisting teachers employed by an LEA receiving assistance under **Title I, Part A**) to obtain the education necessary for those paraprofessionals to become certified and licensed teachers.

- Provide follow-up training to teachers who have participated in activities described in this definition that are designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom. (Training must be centered on using technology as part of teaching and learning in the core academic subject areas under **Title II, Part D**)
-

Protective Factor, Buffer, or Asset: Any one of a number of the community, school, family, or peer-individual domains that are known, through prospective, longitudinal research efforts, or which are grounded in a well-established theoretical model of prevention, and have been shown to prevent alcohol, tobacco, or illegal drug use, as well as violent behavior, by youth in the community, and which promote positive youth development.

Public School Choice: An option for parents with children attending schools designated as in need of improvement. (See Section II in this manual under “Schools in Need of Improvement.”)

Pupil Services Personnel: Includes school counselors, school social workers, school psychologists, substance awareness coordinators, or other qualified professional personnel involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services) as part of a comprehensive program to meet student needs.

Revisions: Changes to an application requested by the NJDOE during the application review to ensure an approvable application. The changes are required prior to issuance of a Notification of Grant Award.

Risk Factor: Any one of a number of characteristics of the community, school, family, or peer-individual domains that are known, through prospective, longitudinal research efforts, to be predictive of alcohol, tobacco, and illegal drug use, as well as violent behavior, by youth in the school and community.

School-aged Population: The population of children, ages 5 through 17, as determined by the USDOE on the basis of the most recent satisfactory data available from the Department of Commerce.

School Attendance Area: The geographic area of a particular school in which the children served by that school reside.

School-Based Mental Health Services Provider: Includes a state-licensed or state-certified school counselor, school psychologist, school social worker, or other state-licensed or -certified mental health professional qualified under state law to provide such services to children and adolescents.

School Personnel: Includes teachers, principals, administrators, counselors, social workers, psychologists, nurses, librarians, and other support staff who are employed by a school or who perform services for the school on a contractual basis.

Schoolwide Program: A program in which **Title I** funds are used to upgrade the entire educational program of a high-poverty school and in which Title I funds may be combined with funds from other federal, state, and local sources. (See Appendix D in this manual for more information.)

School Resource Officer: A career law enforcement officer, with sworn authority, deployed in community-oriented policing, and assigned by the employing police department to an LEA to work in collaboration with schools and community-based organizations to 1) educate students in crime and illegal drug use prevention and safety; 2) develop or expand community justice initiatives for students; and 3) train students in conflict resolution, restorative justice, and crime and illegal drug use awareness.

Scientifically Based Research: Research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs. (See Section II of this manual for more detail.)

Single Accountability System: The state has a single accountability system for all public schools, districts and charter schools. The State Accountability System requires AYP decisions for all public schools.

Single Attendance Area: A school district with either one school, less than 1,000 students, or has only one school per grade span.

Strategic Plan for Systemic Improvement of Education in New Jersey: A document adopted by the State Board of Education on June 7, 1995, and revised in November 1999 and January 2003. It identifies goals and strategies for improving student achievement in New Jersey's schools. It describes a framework for defining and measuring the results sought and proposes major changes in state education policy designed to better enable educators to help students reach achievement goals.

Supplemental Educational Services: Additional academic instruction designed to increase the academic achievement of students in schools that have not met state targets for increasing student achievement (adequate yearly progress) for three or more years. These services may include tutoring and after-school services. They may be offered through public or private sector providers that are approved by the state, such as public schools, charter schools, educational service agencies and faith-based organizations. Private-sector providers may be either nonprofit or for-profit entities. States must maintain a list of approved providers across the state organized by the school district or districts they serve from which parents may select.

Targeted Assistance Program: A Title I program that directs funds and provides services only to those children that are in most need of academic support.

Teacher Mentoring: Structured guidance and regular, ongoing support for teachers, especially beginning teachers, that are designed to improve their teaching and develop their instructional skills, and can involve the assistance of an exemplary teacher and other appropriate individuals from a school, LEA, or institution of higher education and may include coaching, classroom observation, team teaching, and reduced teaching loads. Mentoring may also include the establishment of a partnership by an LEA with an institution of higher education, another LEA, a teacher organization, or another organization.

Technology: State-of-the-art technology products and services.

Tydings Amendment: Section 412(B) of the General Education Provisions Act, 20 U.S.C. 1225(B), which authorizes any funds that are not obligated at the end of the federal funding period to remain available for obligation for an additional period of 12 months.

APPENDIX B: IMPLEMENTATION TIMELINE

Following is the implementation timeline. Activities continue once implemented.

FY 2003 – School districts must prepare annual reports for parents and the public on the academic achievement of schools in the aggregate in the school district and by school.

FY 2003 – State assessment results are reported to the public.

FY 2003 – Intradistrict school choice required for Title I schools designated as in need of improvement.

FY 2003 – Newly hired Title I funded paraprofessionals must comply with quality requirements.

FY 2004 – Supplemental educational services and required expenditures for Title I schools designated as in need of improvement.

FY 2005 – Schools in need of improvement are identified for corrective action.

FY 2005 – LEAs are identified for improvement.

FY 2006 – All teachers and Title I paraprofessionals are highly qualified.

FY 2006 – States will have developed and implemented annual assessments for grades 3 through 8 for reading and math.

FY 2006 – States have developed science standards.

FY 2008 – States implement science assessments in 3 grades—one in each grade span.

FY 2014 – All students will reach proficiency in reading/language arts and mathematics.

APPENDIX C: PROGRAM ELEMENTS AND AUTHORIZED ACTIVITIES

Title I – Improving the Academic Achievement of the Disadvantaged

Title I, Part A – Improving Basic Programs Operated by Local Education Agencies

A. Program Elements

- Higher Standards: The program goal is to achieve 100 percent proficiency on state assessments. This means all students and student subgroups, including racial/ethnic, minorities, those with disabilities and limited English proficiency, must attain proficiency on state assessments.
- Adequate Yearly Progress: The State will review the rate of adequate yearly progress (AYP) for schools and districts toward meeting the new federal goal of 100 percent proficiency by the year 2014. This review will include both the school and the district as a whole, as well as each subgroup of students for whom test results are disaggregated.
- Schoolwide Programs: The poverty threshold for schoolwide projects was lowered from 50 percent to 40 percent, thereby allowing more schools to exercise the flexibility afforded by this designation. Schools in schoolwide status may use Title I funds to benefit all of the children enrolled in the school. The focus of this design is to upgrade the academic performance of the entire school, not just selected students. Furthermore, schools granted this flexibility may blend their federal funds to meet their program goals.
- Scientifically Based Research: Whether schools use the schoolwide approach or targeted assistance design, the strategies and program approach must incorporate scientifically based research.
- Paraprofessionals (Teacher Aides): All paraprofessionals paid in whole or part with Title I funds must hold an associate's degree, have two years' college education or meet a "rigorous standard" that demonstrates the equivalent qualifications by passing a state or local assessment. Paraprofessionals hired before January 8, 2002 have four years, or until January 8, 2006, to meet this requirement. Effective January 8, 2002, all new hires must meet this requirement as a condition of employment.
- Gradually Increased Accountability Requirements: In addition to requiring schools in need of improvement to amend their Title I plans and set aside funds for professional development, NCLB requires those schools to offer intradistrict school choice to the children enrolled in the schools. Furthermore, transportation services needed to facilitate intradistrict choice must be provided.

Each year after a school has been identified for improvement there are graduated accountability provisions that apply under the law. Schools in improvement status one year must offer intradistrict choice; those identified for two consecutive years must also offer supplemental services; those identified for a third year are subject to corrective action or school restructuring; and those that remain in improvement status yet another year are subject to alternative governance.

- Role of the LEA: The legislation highlights the pivotal role that the LEA plays in assisting schools to plan and provide Title I services. It is also the LEA's responsibility to provide technical assistance to schools. This is especially important for schools that are low-performing.

B. Authorized Activities

Title I funds may only be used to pay for authorized activities to meet the special needs of educationally deprived children in participating schools. These funds should be used 1) to enable schools to provide opportunities for children to acquire the knowledge and skills contained in the CCCS and to meet the challenging state performance standards developed for all children; and 2) to provide children with an enriched and accelerated educational program, including, when appropriate, the use of the arts, through schoolwide programs or through additional services that increase the amount and quality of instructional time. If Title I funds are used for a targeted assistance program, funded activities should use effective instructional strategies that 1) give primary consideration to providing extended learning time such as an extended school year, before- and after-school programs, and summer programs and opportunities; 2) help provide an accelerated, high-quality curriculum, including applied learning; and 3) minimize removing children from the regular classroom during regular school hours for Title I instruction.

Authorized items and activities that support the goals and objectives above include the following:

- Acquisition of equipment and materials directly related to instruction. An LEA must determine that a) the equipment is needed to effectively operate its existing program; b) existing equipment it already has will not be sufficient; and (c) the costs are reasonable.
- Preschool programs for children, particularly children participating in a Head Start or Even Start program.
- Acquisition of books and school library resources.
- Employment of special instructional personnel, school counselors, and other pupil services personnel.
- Employment and training of paraprofessionals.
- Training and professional development of teachers, paraprofessionals, librarians, other instructional and pupil services personnel, and, as appropriate, early childhood education professionals. The cost of training personnel not paid with Title I funds is an allowable charge if the training is specifically related to the Title I program and is

not designed to meet the general needs of the LEA, an entire school, or children in a school or class.

- Construction, if necessary, of school facilities. The LEA must demonstrate that the proposed construction is essential to the success of the Title I project, that it has made every effort to consider other funds to pay for the construction, and that there is no alternative space that meets the needs of the project.
- Parental involvement activities.
- Planning for and evaluation of Title I projects.
- Other allowable activities that would promote statewide reform and ensure access of children from the earliest grades to effective instructional strategies and challenging academic content that includes intensive complex thinking and problem-solving experiences.

The law prohibits the use of Title I funds vs. general aid to benefit an entire school district or, except in schoolwide programs, all children in a school, grade, or class. In schoolwide programs, Title I funds may be used to upgrade the entire educational program of the school. In targeted assistance schools, an LEA may use Title I funds only for projects that are designed and implemented to meet the special educational needs of children who are properly identified and selected for participation in the program, and that are included in the LEA's application as approved by the SEA.

Title I, Part A – School Improvement

A. Program Elements

- Scientifically Based Research: Incorporate scientifically based strategies that will strengthen the core academic subjects in the school and address the specific academic issues that caused the school to be identified for school improvement.
- Student Proficiency: Adopt policies and practices concerning the school's core academic subjects that have the greatest likelihood of ensuring that all groups of students as identified in NCLB §1111(b)(2)(C)(v) enrolled in the school will meet the state's proficient level of achievement on the state academic assessment, not later than 12 years after the end of fiscal year 2002.
- Professional Development: Provide professional development using at least 10 percent of the funds made available to the school under NCLB §1113 for each fiscal year that the school is in school improvement status.
- Budget Allocation: Specify how funds will be used to remove the school from school improvement status.
- Measurable Objectives: Establish specific annual, measurable objectives for continuous and substantial progress by each group of students specified in NCLB §1111(b)(2)(C)(v) to ensure they will meet the state's proficient level of achievement on the state academic assessment not later than 12 years after the end of fiscal year 2002.
- Parental Notification: Describe how parents of children enrolled in a school identified as in need of improvement will be notified of this improvement status.

B. Authorized Activities

- Professional development activities for teachers, principal, paraprofessionals, and other support staff of high quality that address the academic achievement area that caused the school to be identified for school improvement.
- Activities based on scientific research that address and enrich the core academic areas and ensure students achieve the state's proficiency level.
- Establishment of a mentoring program for teachers.
- Activities provided before school, after school, during the summer, weekends and during any extension of the school year.
- Parental involvement initiatives.
- Technical assistance to analyze data from the assessments; identify and address solutions; implement professional development, instructional strategies, and scientifically based methods of instruction; and revise the school's budget and allocate resources more effectively.
- Parent involvement and notification.

***Title I, Part D – Prevention and Intervention Programs for Children
and Youth who are Neglected, Delinquent, or At-Risk***

A. Program Elements

Serves neglected and delinquent youths in institutions, community day programs, and correctional facilities. Focus is on the provision of services to youths returning to schools or to the community from correctional facilities. The program allows the use of funds for several new activities, including curriculum-based youth entrepreneurship education, peer mediation, mentoring, and mental health services.

Part B. Authorized Activities

Funds provided to LEAs may be used per NCLB §1424, where appropriate, for the following:

- Dropout prevention programs that serve youth at educational risk, including pregnant or parenting teens, youth who have come in contact with the juvenile justice system, youth at least one year behind their expected grade level, migrant youth, immigrant youth, students with limited English proficiency, and gang members.
- The coordination of health and social services for such individuals if there is a likelihood that the provision of such services, including day care and drug and alcohol counseling, will improve the likelihood that such individuals will complete their education.
- Programs to meet the unique education needs of youth at risk of dropping out of school, which may include vocational education, special education, career counseling, and assistance in securing student loans or grants.

Title II – Preparing, Training, and Recruiting High Quality Teachers and Principals

Title II, Part A – Teacher and Principal Training and Recruiting

A. Program Elements

- Purpose:
 - Increase student academic achievement through strategies such as improving teacher and principal quality and increasing the number of highly qualified teachers in the classroom and highly qualified principals and assistant principals in schools.
 - Hold LEAs and schools accountable for improvements in student academic achievement.
- Needs Assessment:
 - An assessment of LEA needs for professional development and hiring as identified by the LEA and school staff.
 - Conducted with involvement of teachers, including teachers participating in programs under Title I, Part A.
 - Shall take into account the activities that need to be conducted in order to give teachers the means, including subject matter knowledge and teaching skills, to provide students with the opportunity to meet challenging state and local academic achievement standards.
 - Shall take into account the activities that need to be conducted to give principals the instructional leadership skills to help teachers to improve their content knowledge and instructional skills.
- Highly Qualified Teachers: LEAs are required to ensure that by the end of FY 2006, all teachers teaching in core academic subjects are highly qualified. Under the Title I section of the state plan, the state must establish annual measurable objectives for each LEA and school that, at a minimum, shall include the following:
 - An annual increase in the percentage of highly qualified teachers.
 - An annual increase in the percentage of teachers receiving professional development to enable each to be highly qualified.
 - May include other measures as the state deems appropriate to increase teacher qualifications.

Beginning in FY 2003, the state must submit a report to the USDOE describing the state's progress in meeting these measurable objectives.
- Supplement, Not Supplant: Funds must be used to supplement, not supplant nonfederal funds that would otherwise be used for activities authorized under this Act.
- Targeting of Funds: LEAs are required to provide an assurance that they will target funds to their schools that meet one of the following criteria:
 - Have the lowest proportion of *highly qualified teachers*.

- Have the largest class size.
- Are identified for school improvement under Title I, Part A, §1116(b).
- Scientifically Based Research: The activities funded by Title II must be based upon a review of scientifically based research. For more information on scientifically based programs, see Section II, “Scientifically Based Programs.”
- Impact on Student Achievement: LEAs are required to describe how the Title II, Part A-funded activities will have a substantial, measurable, and positive impact on student academic achievement, and will be used as part of a broader strategy to eliminate the achievement gap that separates low-income and minority students from other students.

B. Authorized Activities

Authorized Activities include, but are not limited to the following:

- Recruitment and Retention: Develop and implement initiatives such as teacher mentoring programs to assist schools in effectively recruiting and retaining highly qualified teachers and principals and to reduce class size.
- Incentives: Provide scholarships, bonuses, or other financial incentives, such as differential pay, for teachers to teach in schools where there is a shortage of highly qualified teachers and in academic subjects where there is a shortage of highly qualified teachers.
- Establishing Programs:
 - Train and hire regular and special education teachers (may include hiring special education teachers to team-teach in classrooms that contain both children with disabilities and nondisabled children).
 - Train and hire high-quality teachers of special needs children, as well as teaching specialists in core academic subjects who will provide increased individualized instruction to students.
 - Enable paraprofessionals to obtain the education necessary to qualify under the new NCLB requirements or become certified as teachers.
 - Recruit qualified professionals from other fields, including high-quality paraprofessionals, and provide such professionals with alternative routes to teacher certification, including developing and implementing hiring policies that ensure comprehensive recruitment efforts as a way to expand the applicant pool.
 - a) Provide increased opportunities for minorities, individuals with disabilities, and other individuals under-represented in the teaching profession.
- Professional Development Activities: (For teachers, principals, and where appropriate, paraprofessionals)
 - To provide high-quality, sustained, intensive, classroom-focused instruction with a positive and lasting impact on classroom instruction and teacher performance—not one-day or short-term workshops or conferences.
 - To improve knowledge concerning core academic subjects, effective standards-based instructional strategies, and state assessments.
 - To improve knowledge concerning effective instructional practices that:

- a) Involve collaborative groups of teachers and principals.
 - b) Address the needs of students with different learning styles, students with disabilities, students with special needs, and students who are gifted and talented.
 - c) Provide methods of improving student behavior in the classroom.
 - d) Enable teachers and principals to involve parents in their children's education, especially parents of limited English proficient and immigrant children.
- To improve the quality of the teacher force through:
- a) Innovative professional development programs (which may be provided through partnerships including institutions of higher education or through professional development schools) including programs that train teachers and principals to integrate technology into curricula and instruction to improve teaching and learning, and are coordinated with activities carried out under Title II, Part D, Enhancing Education Through Technology.
 - b) Development and use of proven, cost-effective strategies for the implementation of professional development activities, such as through the use of technology and distance learning.
 - c) Tenure reform.
 - d) Merit pay programs.
 - e) Testing elementary school and secondary school teachers in their subject areas.
- Leadership Academies: Development and support of academies to help talented aspiring or current principals and superintendents become outstanding managers and educational leaders.
 - Reduce Class Size: Hiring highly qualified teachers, including teachers who become highly qualified through state and local alternative routes to certification, and special education teachers, in order to reduce class size, particularly in the early grades. This can be accomplished by creating another self-contained class, having two highly qualified teachers team teach in a single classroom for either part or the entire school day, or hiring a part-time teacher to work with a small group of students. Research shows that “pull-out” programs are not as effective as other methods of class-size reduction in increasing student achievement.
 - Teacher Advancement Initiatives: Carrying out teacher advancement initiatives that promote professional growth and emphasize multiple career paths (such as paths to becoming a career teacher, mentor teacher, or exemplary teacher) and pay differentiation.
 - Professional Development Assessment Tools: Development of systems to measure the impact of specific professional development programs on student academic achievement.

Title II, Part D – Enhancing Education Through Technology

A. Program Elements

- **Student Achievement:** Improve student academic achievement through the use of technology in elementary and secondary schools as the primary program goal.
- **Computer Literacy:** Address the digital divide to ensure that every student is technologically literate by the time the student finishes the eighth grade, regardless of the student's race, ethnicity, gender, family income, geographic location, or disability.
- **Professional Development:** Use not less than 25 percent of funds to provide ongoing, sustained, and intensive, high-quality professional development to all teachers for the effective integration of technology resources and systems with teacher training and curriculum development. Constant access to training and updated research in teaching and learning through electronic means is provided to teachers, principals, and administrators. Professional development will foster the establishment of research-based instructional methods that can be widely implemented as best practices by SEAs and LEAs.
- **Partnerships:** Establish or expand initiatives, including initiatives involving public-private partnerships, designed to increase access to technology, particularly in schools served by high-need LEAs.
- **Infrastructure:** Support states and localities in the acquisition, development, interconnection, implementation, improvement, and maintenance of an effective educational technology infrastructure in a manner that expands access to technology for students (particularly for disadvantaged students) and teachers.
- **Alignment with State Standards:** Align all initiatives with the state's CCCS. Both the competitive grant funds and formula-driven funds will be facilitated with the focus on meeting all requirements of this grant, including improving academic achievement of students in Language Arts Literacy as the focus for one of the competitive grant programs.
- **Networks:** Support of the development and utilization of electronic networks and other innovative methods, such as distance learning, of delivering specialized or rigorous academic courses and curricula for students in areas that would not otherwise have access to such courses and curricula, particularly in geographically isolated regions.
- **Evaluation:** Provide rigorous evaluation of programs, particularly regarding the impact of such programs on student academic achievement, and ensure that timely information on the results of such evaluations is widely accessible through electronic means.
- **Parent Participation:** Use technology to promote parent and family involvement in education and communication among students, parents, teachers, principals, and administrators.

B. Authorized Activities

The types of activities that are required by this funding source affects all aspects of student achievement including: a) professional development for classroom teachers, school principals and other administrators; b) alignment to the CCCS; c) parent participation; d) adult literacy; and e) Internet safety compliance.

Types of Authorized Activities:

- Provide professional development for the integration of advanced technologies, including emerging technologies, into curricula and instruction and in using those technologies to create new learning environments, such as professional development in the use of technology for the following:
 - Access data and resources to develop curricula and instructional materials.
 - Enable teachers to use the Internet and other technology to communicate with parents, other teachers, principals, and administrators; and to retrieve Internet-based learning resources.
 - Lead to improvements in classroom instruction in the core academic subjects that effectively prepare students to meet challenging state academic content standards, including increasing student technology literacy and student academic achievement standards.
- Design activities to ensure that all students and teachers in schools served by the LEA have increased access to educational technology, including how the LEA would use funds (such as combining the funds with funds from other sources), to help ensure the following:
 - Students in high-poverty and high-needs schools or one or more elementary or secondary school that fails for two consecutive years to make adequate yearly progress, have access to technology.
 - Teachers are prepared to integrate technology effectively into curricula and instruction.
- Promote curricula and teaching strategies that integrate technology effectively into curricula and instruction, based on a review of relevant research, leading to improvements in student academic achievement, as measured by the CCCS.
- Provide ongoing, sustained professional development for teachers, principals, administrators, and school library media personnel serving the LEA to further the effective use of technology in the classroom or library media center.
- Encourage the development and utilization of innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including distance learning technologies, particularly for those areas that would not otherwise have access to such courses and curricula due to geographical isolation or insufficient resources.
- Collaborate with adult literacy service providers to maximize the use of technology.
- Develop accountability measures that the applicant will use to evaluate the extent to which grant-funded activities are effective in integrating technology into curricula and instruction, increasing the ability of teachers to teach, and enabling students to meet the New Jersey CCCS.

- Acquire supporting resources, such as services, computers (desktop and laptop), software, other electronically delivered learning materials, and print resources, to ensure the successful and effective use of technology.

Title III – Language Instruction for Limited English Proficient and Immigrant Students

Title III, Part A – English Language Acquisition, Language Enhancement, and Academic Achievement

A. Program Elements

- **Purposes:** To help ensure that limited English proficient (LEP) children, including immigrant children, attain English proficiency and meet challenging state content standards expected of all children. Schools will use these funds to implement language instruction educational programs designed to help LEP students achieve these standards. SEAs, LEAs, and schools are accountable for increasing the English proficiency and core academic content knowledge of LEP students.
- **Qualifications:** Districts may not receive a Title III award if they qualify for \$10,000 or less. Districts may, however, submit a joint application with one or more LEAs in order to qualify. In addition, LEAs may apply in collaboration with a college or community-based organization.
- **Charter Schools:** Charter schools may apply for a subgrant, providing they meet the \$10,000 provision describe above.
- **Administrative Expenditures:** LEAs cannot use more than 2 percent of their subgrant for administrative purposes.
- **Application Requirements:** The LEA's Title III section of the NCLB application must describe how they will do the following:
 - Develop and implement programs and activities.
 - Use the funds to meet all the annual measurable objectives.
 - Hold elementary schools and secondary schools accountable for meeting annual achievement objectives; annually measure the English language proficiency LEP students; and make annual yearly progress of LEP students.
 - Promote parental and community participation in programs for LEP students.
 - Determine that language instruction education programs will ensure LEP students develop English proficiency.
- **Assurances:** Districts must assure that teachers of LEP students are fluent in English and in the language used by the program.
- **Professional Development:** LEAs are required to provide high-quality professional development to classroom teachers (including mainstream teachers), principals, administrators, and other school personnel that is designed to improve the instruction and assessment of LEP students.
- **Evaluation Requirements:** Subgrantees must provide NJDOE an evaluation at the end of every fiscal year that includes the following information about the children targeted by these Title III programs:
 - Description of the programs and activities funded through the subgrant.

- Progress made by children in learning the English language and meeting state academic standards.
- Number and percentage of children attaining English proficiency by the end of each school year, as determined by a valid and reliable assessment of English proficiency.
- Description of the progress made by children in meeting state academic standards for each of two years after such children are no longer receiving services under the subgrant.
- **Parent Involvement:** LEAs must implement an effective means of outreach to parents of limited English proficient children. Schools must inform parents of a child identified for participation in a language instructional program not later than 30 days after the beginning of the school year. For a child who enters school after the beginning of the school year, the LEA must inform parents within two weeks of the child's placement in such a program. Parents must be informed of the following:
 - The reasons for identifying their child as being limited English proficient and for placing their child in a language instruction educational program for LEP students.
 - The child's level of English proficiency, including how the level is assessed and the status of the child's academic achievement.
 - The method of instruction that will be used in the program, including a description of other alternative programs.
 - How the program will meet the educational strengths and needs of the child.
 - How the program will help the child learn English and meet academic achievement standards.
 - The program exit requirements, including the expected rate of transition, and the expected rate of graduation from secondary school.
 - How the program will meet the objective of an individualized education program for a child with a disability.
 - Their rights as per New Jersey's parental consent provision in law and administrative code (P.L. 1995 c. 327 and *N.J.A.C.* 6a:15-1.13).

In addition, LEAs are required to provide notice to the parents of LEP children participating in a Title III language instruction educational program of any failure of the program to make progress on the annual measurable achievement objects. This notice is to be provided no later than 30 days after this failure occurs. The required notices must be provided in an understandable and uniform format and, to the extent practicable, in a language that the parent can understand.

B. Authorized Activities

LEAs must use Title III funds to provide high-quality language instruction educational programs that are scientifically based, demonstrating effectiveness in increasing English and student academic achievement in the core academic subjects.

Subgrants may be used for the following purposes:

- Developing and implementing new language instruction educational programs and academic content instructional programs for limited English proficient students in early childhood, elementary, and secondary programs.
- Expanding or enhancing existing language instruction educational programs by identifying, acquiring, and upgrading curricula, instruction materials, educational software, and assessment procedures.
- Implementing schoolwide programs within individual schools to restructure, reform, and upgrade all programs, activities, and operations related to language instruction programs and academic content instruction programs for limited English proficient students.
- Providing the following:
 - Tutorial and academic or vocational education for LEP children; and intensified instruction.
 - Community participation programs, family literacy services, and parent outreach and training activities to LEP children and their families.
 - Improved instruction of LEP children by providing for the acquisition or development of educational technology or instructional materials; and access to, or participation in, electronic networks for materials, training, and communication.

No more than 2 percent of the subgrant may be used for administrative purposes.

Title IV– 21st Century Schools

Title IV, Part A – Safe and Drug-Free Schools and Communities Act (SDFSCA)

A. Program Elements

Pursuant to NCLB §4115(b), SDFSCA funds must be used to develop, implement, and evaluate comprehensive programs, services, and activities that are coordinated with other school- and community-based services and programs, and shall:

- Foster a safe and drug-free learning environment that supports academic achievement.
- Be consistent with the principles of effectiveness. [NCLB §4115(a) and 20 U.S.C. 7101 *et seq.*]

Funded programs, services and activities must be designed to be consistent with purposes for ATOD programs set forth in *N.J.A.C.* 6A:16-3 and to do the following:

- Prevent or reduce violence; the use, possession, and distribution of illegal drugs; and delinquency.
- Create a well-disciplined environment conducive to learning, which includes consultation between teachers, principals, and other school personnel to identify early warning signs of drug use and violence and to provide behavioral interventions as part of classroom management efforts.
- Promote the involvement of parents in activities or programs.
- Promote coordination with community groups and coalitions, and government agencies.
- Distribute information about the LEA's needs, goals, and SDFSCA-funded programs.

The following information provides more detail about the requirements of SDFSCA and the program elements:

- Formula: Increases the portion of the state's allocation for distribution to LEAs. Reduces the portion of the LEA formula based on relative enrollments in public and private nonprofit schools, and replaces the greatest need portion with a greater portion based on the relative amounts LEAs received under Title I, Part A in the previous year.
- School Plan: Requires LEAs that receive SDFSCA funds to have a plan for keeping schools safe and drug-free that includes appropriate and effective discipline policies, security procedures, prevention activities, a code of student conduct, and a crisis management plan for responding to violent or traumatic incidents on school grounds.
- Administrative Cap: Institutes a cap of 2 percent on the amount of SDFSCA formula funds that a LEA may use to administer the program.
- School Security Cap: Retains the cap of 20% on the amount of SDFSCA funds LEAs may spend in total on specified school security-related activities; however, this amount plus an additional 20% may be used for the hiring and training of school

security personnel who interact with students in support of youth drug and violence prevention activities implemented in schools. [NCLB §4115(c)(1)] Retains the prohibition on the use of SDFSCA funds for most of these purposes if funding is received for them from other federal sources.

- Principles of Effectiveness: Pursuant to NCLB §4115(a) and 20 U.S.C. 7101 *et seq.*, all SDFSCA-funded activities must comply with the principles of effectiveness described below. Funded programs, services, and activities must, at a minimum, fulfill the following principles of effectiveness:
 - Assessment of Objective Data: Be based on an assessment of objective data regarding the incidence of violence and illegal drug use in the schools and communities to be served, including an objective analysis of the current conditions and consequences regarding violence and illegal drug use that includes delinquency and serious discipline problems among students (including private school students who participate in the drug and violence prevention program) that is based on ongoing local assessment or evaluation activities.
 - Performance Measures: Be based on an established set of performance measures aimed at ensuring that the elementary and secondary schools and communities to be served by the program have a safe, orderly, and drug-free learning environment.
 - Evidence of Program Effectiveness: Be scientifically based, providing evidence that the program to be used will reduce violence and illegal drug use.
 - Analysis of Data: Be based on an analysis of the data reasonably available at the time, of the prevalence of risk factors, including high or increasing rates of reported cases of child abuse and domestic violence; protective factors, buffers, assets; or other variables in the LEA's schools and communities that have been identified or supported through scientifically based research.
 - Meaningful Parent Involvement: Include meaningful and ongoing consultation with and input from parents in the development of the application and the administration of the funded programs or activities.
- Uniform Management Information and Reporting System: Establishes a new Uniform Management Information and Reporting System under which the NJDOE will collect data from LEAs and provide information to the public on school truancy rates and on the frequency, seriousness, and incidence of violence and drug-related offenses resulting in suspensions and expulsions by school. NJDOE is also required to report to the public on the types of curricula, programs, and services provided by participating districts, and on the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by students attending schools in the LEA.
- Supplement, Not Supplant: Requires funds under this subpart to be used to increase the level of state, local, and other non-federal funds that would, in the absence of funds under this subpart, be made available for programs and activities authorized under this subpart, and in no case permits supplanting of such state, local, and other non-federal funds.

B. Authorized Activities

Pursuant to NCLB, §4115, activities authorized under SDFSCA include, but are not limited to, those described below. In all cases, funded programs must comply with the principles of effectiveness. [§4115(a) and 20 U.S.C. 7101 *et seq.*]

- Age-Appropriate and Developmentally Based Activities: Activities designed to do the following:
 - Address the consequences of violence and the illegal use of drugs, as appropriate.
 - Promote a sense of individual responsibility.
 - Teach students that most people do not illegally use drugs.
 - Teach students to recognize social and peer pressure to use drugs illegally and the skills for resisting illegal drug use.
 - Teach students about the dangers of emerging drugs.
 - Engage students in the learning process.
 - Incorporate activities in secondary schools that reinforce prevention activities implemented in elementary schools.
- Family and Community Activities: Activities that involve families, community sectors (which may include appropriately trained senior citizens), and a variety of drug and violence prevention providers in setting clear expectations against violence and illegal use of drugs and appropriate consequences for violence and illegal use of drugs.
- Information Dissemination: Dissemination of drug and violence prevention information to schools and the community.
- Professional Development and Training: Professional development and training for, and involvement of, school personnel, pupil services personnel, parents, and interested community members in prevention, education, early identification and intervention, mentoring, or rehabilitation referral, as related to drug and violence prevention.
- Drug and Violence Prevention Activities: Activities that include the following:
 - *Planning and Organizing* – Community-wide planning and organizing activities to reduce violence and illegal drug use, which may include gang activity prevention.
 - *Security Equipment** – Acquiring and installing metal detectors, electronic locks, surveillance cameras, or other related equipment and technologies.
 - *Reporting Offenses** – Reporting criminal offenses committed on school property.
 - *Security Plans or Assistance** – Developing and implementing comprehensive school security plans or obtaining technical assistance concerning such plans, which may include obtaining a security assessment or assistance from the School Security and Technology Resource Center at the Sandia National Laboratory located in Albuquerque, New Mexico.
 - *Safe Zones of Passage** – Supporting safe zones of passage activities that ensure students travel safely to and from school, which may include bicycle and pedestrian safety programs.
 - *School Security Personnel* – The hiring and mandatory training, based on scientific research, of school security personnel (including school resource

- officers) who interact with students in support of youth drug and violence prevention activities under Title IV, Part A that are implemented in the school.
- *Mental Health Services* – Expanded and improved school-based mental health services related to illegal drug use and violence, including early identification of violence and illegal drug use, assessment, and direct group counseling services provided to students, parents, families, and school personnel by qualified mental health service providers.
 - *Conflict Resolution Programs* – Conflict resolution programs, including peer mediation programs that educate and train peer mediators and a designated faculty supervisor, and youth anti-crime and anti-drug councils and activities.
 - *Alternative Education Programs* – Alternative education programs or services for violent or drug-abusing students that reduce the need for suspension or expulsion or that serve students who have been suspended or expelled from the regular educational settings, including programs or services to assist students to make continued progress toward meeting the CCCS and to reenter the regular education setting.
 - *Student Assistance Practices* – Counseling, mentoring, referral services, and other student assistance practices and programs, including assistance provided by qualified school-based mental health service providers and the training of teachers by school-based mental health service providers in appropriate identification and intervention techniques for students at risk of violent behavior and illegal use of drugs. Programs that encourage students to seek advice from, and confide in, a trusted adult regarding concerns about violence and illegal drugs.
 - *Truancy* – Activities designed to reduce truancy.
 - *Victimization* – Age-appropriate, developmentally based violence prevention and education programs that address victimization associated with prejudice and intolerance, and that include activities designed to help students develop a sense of individual responsibility and respect for the rights of others, and to resolve conflicts without violence.
 - *Drug Testing and Locker Searches* – Consistent with the Fourth Amendment of the Constitution of the United States, the testing of a student for illegal drug use or the inspection of a student’s locker for weapons or illegal drugs or drug paraphernalia, including at the request of or with the consent of a parent or legal guardian of the student, if the LEA elects to so test or inspect. (This does not include, however, drug tests conducted as part of the required medical examination of students suspected of being under the influence of alcoholic beverages or other drugs on school property or at school functions, pursuant to *N.J.S.A. 18A-40A-12* and *N.J.A.C. 6A:16-4.3*).
 - *Crisis Intervention* – Emergency intervention services following traumatic crisis events, such as a shooting, major accident, or a drug-related incident that have disrupted the learning environment.
 - *Transferring Student Records* – Establishing or implementing a system for transferring suspension and expulsion records, consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g), by an LEA to any public or private elementary or secondary school.

- *Character Education Programs* – Developing and implementing character education programs, as a component of drug and violence prevention programs, that take into account the views of parents of the students for whom the program is intended and such students, such as a program described in Title V, Part D, subpart 3.
- *Safety Hotline* – Establishing and maintaining a school safety hotline.
- *Community Service and Service Learning* – Community service, including community service performed by expelled students, and service learning projects.
- *Background Checks* – Conducting a nationwide background check of each LEA employee, regardless of when hired, and prospective employees for the purpose of determining whether the employee or prospective employee has been convicted of a crime that bears upon the employee's fitness to a) be responsible for the safety and well-being of children; b) serve in the particular capacity in which the employee or prospective employee is or will be employed; or c) otherwise be employed by the LEA.
- *Suicide Programs* – Programs to train school personnel to identify warning signs of youth suicide and to create an action plan to help youth at risk of suicide.
- *Domestic Violence or Child Abuse Programs* – Programs that respond to the needs of students who are faced with domestic violence or child abuse.

* The cap on funds for these security-related expenses remains at 20 percent in total; however, this amount and an additional 20 percent may be used to hire and train school security personnel, per the description above. Funds may be used for the following activities only to the extent that funding for activities is not received from other federal agencies: (a) acquiring and installing metal detectors, electronic locks, surveillance cameras, or other related equipment and technologies; (b) reporting criminal offenses committed on school property; (c) developing and implementing comprehensive school security plans or obtaining technical assistance concerning such plans; (d) supporting safe zones of passage activities that ensure that students travel safely to and from school, including bicycle and pedestrian safety programs; and (e) hiring and mandatory training of school security personnel who interact with students in support of youth drug and violence prevention activities implemented in schools. [NCLB §4115(c)(2)] These activities are subject to the Principles of Effectiveness [NCLB §4115(a)].

- Evaluation and Data Collection – The evaluation of any of the authorized activities and the collection of objective data used to assess program needs, program implementation, or program success in achieving program goals and objectives.

Title V– Promoting Informed Parental Choice and Innovative Programs

Title V, Part A – Innovative Programs

A. Program Elements

- **Purpose:**
 - Supports local education reform efforts that are consistent with and that support statewide education reform efforts.
 - Supports innovation and educational improvement, including programs to provide library services and instructional media materials.
 - Supports education programs that meet the educational needs of all children, including at-risk youth.
 - Supports the development and implementation of education programs to improve school, student, and teacher performance, including professional development activities and class-size reduction programs.
- **Flexibility:** Retains, with a few changes, the previous Title VI Innovative Education Program Strategies program that provides flexible funds to states and LEAs for innovative educational programs.
- **Uses of Funds:** Expands allowable uses of funds by LEAs to include: professional development and class-size reduction activities; charter schools; community service programs; consumer, economic, and personal finance education; public school choice; programs to hire and support school nurses; school-based mental health services; alternative education programs; prekindergarten programs; academic intervention programs; programs for CPR training in schools; small learning community programs; activities to advance student achievement; programs and activities that use best practice models; same-gender schools and classrooms; service-learning activities; school safety programs; programs that use research-based cognitive and perceptual development approaches and rely on a “diagnostic-prescriptive model” to improve students’ learning; Title I supplemental educational services; dropout prevention; parent and community involvement; support of magnet schools; gifted and talented education; and activities to advance student achievement.
- **Same-Gender Schools:** Requires the use of specific award criteria and other guidelines, established by the USDOE, for LEAs planning to use program funds to provide same-gender schools and classrooms (34CFR Part 106). Reference the USDOE Title V Guidance, Appendix A at www.ed.gov/offices/OESE/SIP/titlevguidance2002.doc.

B. Authorized Activities

Title V, Part A is subject to the general provisions of NCLB Title IX; the General Education Provisions Act (GEPA), 20 U.S.C. 1221-1234i; and EDGAR 34 C.F.R. Parts 76, 77, 80, 81, 82, 85, 97, 98, and 99.

Innovative assistance programs must meet certain criteria:

- Be tied to promoting challenging academic achievement standards.
- Used to improve student academic achievement.
- Be part of an overall education reform strategy.

Activities may include any of the following:

Education Reform and School Improvement

- 1) Promising education reform projects, including magnet schools.
- 2) School improvement programs or activities under NCLB §1116 and 1117.
- 3) Programs to establish smaller learning communities.
- 4) Activities that encourage and expand improvements throughout the area served by the LEA that are designed to advance student academic achievement.
- 5) Programs and activities that expand learning opportunities through best-practice models designed to improve classroom learning and teaching.
- 6) Programs that employ research-based, cognitive, and perceptual development approaches and rely on a diagnostic-prescriptive model to improve students' learning of academic content at the preschool, elementary, and secondary levels.
- 7) Supplemental educational services, as defined in NCLB §1116(e).

Teacher Quality, Professional Development, and Class-Size Reduction

- 8) Programs to recruit, train, and hire highly qualified teachers to reduce class size, especially in the early grades, and professional development activities carried out in accordance with Title II that give teachers, principals, and administrators the knowledge and skills to provide students with the opportunity to meet challenging state or local academic content standards and student academic achievement standards.

Parental Options

- 9) The planning, design, and initial implementation of charter schools as described in NCLB §5131(a)(8).
- 10) Activities to promote, implement, or expand public school choice.
- 11) Programs to provide same-gender schools and classrooms (consistent with applicable law—see 34CFR Part 106).
- 12) School safety programs, including programs to implement the policy described in NCLB §9507 and may include payment of reasonable transportation costs and tuition costs for such students.

Technology and Educational Materials

- 13) Technology activities related to the implementation of school-based reform efforts, including professional development to assist teachers and other school personnel (including school library media personnel) regarding how to use technology effectively in the classrooms and the school library media centers involved.
- 14) Programs for the development or acquisition and use of instructional and educational materials, including library services and materials (including media materials), academic assessments, reference materials, computer software and hardware for instructional use, and other curricular materials that are tied to high academic

standards, that will be used to improve student academic achievement and that are part of an overall education reform program.

Students with Special Needs

- 15) Programs to improve the academic achievement of educationally disadvantaged elementary school and secondary school students, including activities to prevent students from dropping out of school.
- 16) Programs to provide for the educational needs of gifted and talented children.
- 17) Alternative educational programs for those students who have been expelled or suspended from their regular educational setting, including programs to assist students to reenter the regular educational setting upon return from treatment or alternative educational programs.
- 18) Academic intervention programs that are operated jointly with community-based organizations and that support academic enrichment, and counseling programs conducted during the school day (including during extended school day or extended school year programs) for students most at risk of not meeting challenging state academic achievement standards or not completing secondary school.

Literacy, Early Childhood Education, and Adult Education

- 19) Programs to improve the literacy skills of adults, especially the parents of children served by the LEA, including adult education and family literacy programs.
- 20) Activities to promote consumer, economic, and personal finance education, such as disseminating information on and encouraging use of the best practices for teaching the basic principles of economics and promoting the concept of achieving financial literacy through the teaching of personal financial management skills (including the basic principles involved with earning, spending, saving, and investing).
- 21) Programs to establish or enhance prekindergarten programs for children.

Community Service and Community Involvement

- 22) Community service programs that use qualified school personnel to train and mobilize young people to measurably strengthen their communities through nonviolence, responsibility, compassion, respect, and moral courage.
- 23) Initiatives to generate, maintain, and strengthen parental and community involvement.
- 24) Service-learning activities.

Health Services

- 25) Programs to hire and support school nurses.
- 26) Expansion and improvement of school-based mental health services, including early identification of drug use and violence, assessment, and direct individual or group counseling services provided to students, parents, and school personnel by qualified school-based mental health services personnel.
- 27) Programs for cardiopulmonary resuscitation (CPR) training in schools.

Title VI – Flexibility and Accountability

Title VI, Part B – Rural and Low-Income School Program

A. Program Elements

- Teacher recruitment and retention, including the use of signing bonuses and other financial incentives.
- Teacher professional development, including programs that train teachers to utilize technology to improve teaching and to train special needs teachers.
- Educational technology, including software and hardware, as described in Title II, Part D.
- Parental involvement activities.
- Administrative Costs: An SEA receiving a grant under this subpart may not use more than 5 percent of the grant for state administrative costs and to provide technical assistance to eligible LEAs.

B. Authorized Activities

According to NCLB §6212, eligible LEAs can use their funds to carry out activities authorized under any of the following Titles:

- Title I, Part A
- Title II, Part A
- Title II, Part D
- Title III, Part A
- Title IV, Part A
- Title V, Part A

APPENDIX D: TITLE I

Schoolwide Programs, Targeted Assistance Programs, Public School Choice and Supplemental Educational Services

A. Schoolwide Programs

A schoolwide program is one in which Title I, Part A and other federal education program funds and resources are used to upgrade the entire educational program of a school. The purpose is to increase the academic achievement for all students in the school by allowing schools to integrate their programs, strategies, and resources. The school must receive Title I, Part A funds, and at least 40 percent of the children enrolled in the school or residing in the school attendance area must be from low-income families. [NCLB §1114]

Schoolwide programs may combine Title I, Part A funds with other federal funds in support of the schoolwide program. When federal program funds are combined in a schoolwide program to upgrade the entire educational program in a school, they lose their federal identity. A school that is approved to exercise this authority is exempt from many statutory and regulatory provisions of the programs whose funds and resources it combines as long as it meets the intent and purposes of those programs.

Programmatically, schoolwide programs must meet the “intent and purposes” of the program funds included in the school. These funds have to be used for schoolwide reform strategies that increase the amount and quality of learning time and help provide an enriched and accelerated curriculum for all children, according to a comprehensive plan to meet the state’s high standards. Furthermore, the program must include services designed to boost the performance of low-achieving students.

Components of a Schoolwide Program

Under NCLB §1114(b)(1), a schoolwide program must include the following ten components:

- 1) **A comprehensive ongoing needs assessment** of the entire school, based on information on the performance of children in relation to the state content and student performance standards required in the planning phase. Schools must assess their progress on an annual basis.
- 2) **Schoolwide reform strategies** that provide opportunities for all children to meet the state’s proficient and advanced levels of student performance.
 - Are based on effective means of improving children’s achievement.
 - Use effective instructional strategies that increase the amount and quality of learning time, such as extended school year, before- and after-school, and summer school programs.
 - Help provide an enriched and accelerated curriculum.

- Meet the educational needs of all subgroups of students, including LEP students and students with disabilities, and historically underserved populations including girls and women.
 - Address the needs of all children in the school but particularly the needs of children of target populations of any program that is included in the schoolwide program **and** address how the school will determine if these needs are met. These programs may include counseling and mentoring services, college and career preparation, such as college and career student services to prepare students for school-to-work transition, and the incorporation of gender-equitable methods and practices.
- 3) Instruction by **highly qualified professional staff**.
 - 4) Strategies to **attract high-quality highly qualified teachers** to high-need schools
 - 5) **Professional development** for teachers and aides and, where appropriate, pupil services personnel, parents, principals, and other staff to enable all children in schoolwide programs to meet the state's student performance standards. These must meet the following criteria:
 - Tied to challenging state content and performance standards.
 - Reflect research on teaching and learning.
 - Contribute to continuous improvement in the classroom and the whole school.
 - Include methods to teach children with special needs.
 - Be developed with extensive participation of teachers.
 - Include gender-equitable education methods, techniques, and practices.
 - 6) Strategies to increase **parent involvement**, such as family literacy services.
 - 7) Strategies for assisting preschool children in the **transition from early childhood programs** such as Head Start and Even Start to local elementary school programs.
 - 8) Steps to **include teachers in the decisions** regarding the use of assessments to improve the performance of individual students and the overall instructional program.
 - 9) Activities to ensure that students who experience difficulty mastering any of the state's standards during the school year will be provided with **effective, timely additional assistance**. The assistance must include the following:
 - Measures to ensure that students' difficulties are identified on a timely basis and to provide sufficient information on which to base effective assistance.
 - Periodic training for teachers in how to identify difficulties and to provide assistance to individual students to the extent the school determines feasible using Part A funds.
 - Teacher-parent conferences for any student who has not met the standards.
 - 10) **Coordination and integration of federal, state, and local services and programs**, including programs supported under this act, violence prevention programs, nutrition programs, housing programs, Head Start, adult education, vocational and technical education, and job training.

Note: For a listing of school reform models and instructional programs, please see *The Catalog of School Reform Models* – www.nwrel.org/scpd. Prior to selection of a program, the research associated with the program must be reviewed.

The Schoolwide Program Plan

An eligible school that desires to establish a schoolwide program must develop, in consultation with the SEA, the LEA and its school support team or other technical assistance providers, a *comprehensive plan* for reforming the overall instructional program in the school. This plan must include the following:

- All required components of a schoolwide program.
- A description of how Title I and other resources will be used to implement the program.
- A list of other state, federal, and locally funded programs that will be included.
- A description of how the school will provide and interpret individual student assessment results for parents.
- A method for reviewing assessment data that are disaggregated by gender, major ethnic and racial groups, limited English proficiency status, migrant students, children with disabilities as compared with other students, and economically disadvantaged students as compared to those who are not economically disadvantaged and using these data to identify the diverse needs of the school.
- Statistically sound methods of gathering such data.
- Provisions for the public reporting of statistically sound data.

Other Planning Requirements

- The schoolwide program plan must be developed during a one-year period unless the LEA, after considering recommendations of its technical assistance providers, determines that less time is needed to develop and implement the program.
- The plan must be developed with the involvement of the community to be served and the individuals who will carry out the plan, including teachers, principals, other staff, and, where appropriate, pupil services personnel and parents. If the plan is for a secondary school, it is recommended that students from the school be included in the planning process.
- The plan must remain in effect for the duration of the school's participation in the Title I schoolwide program. Periodically, the plan should be reviewed by the school and, if necessary, revised.
- The plan must be made available to the LEA, parents, and the public, and the information contained in such plan will be translated, to the extent feasible, into any language that a significant percentage of the parents of children in the school speak as their primary language.
- Where appropriate, the plan should be developed in coordination with programs under the School-to-Work Opportunities Act of 1994, the Carl S. Perkins Vocational and Applied Technology Education Act, and National and Community Services Act of 1990.

Note: For a listing of school reform models and instructional programs, please see *The Catalog of School Reform Models* – www.nwrel.org/scpd/cat. Prior to selection of a program, the research associated with the program must be reviewed.

Accountability and Exemptions

Schoolwide programs are subject to the school improvement provisions of NCLB §1116. The U.S. Secretary of Education, by placing a notice in the *Federal Register*, may exempt schoolwide programs from the statutory or regulatory provisions of any other noncompetitive formula grants administered by the USDOE, other than such programs under the Individuals with Disabilities Education Act (IDEA). Such an exemption will be granted only if the intent and purpose of the other programs are met.

A school using funds from other programs, however, is not relieved of requirements relating to health, safety, civil rights, gender equity, student and parental participation and involvement, services to private school children, maintenance of effort, comparability of services, supplement not supplant rules, or the distribution of funds to state or local agencies that apply for the receipt of funds from such programs.

Schools Implementing a Whole School Reform Model

- For a Title I School that is implementing a whole school reform model (WSR), or another NJDOE approved school improvement strategy, that meets the 40 percent poverty criterion and wants to institute a schoolwide program for 2004-2005, the **approved school Three-year Operational plan** will be accepted in place of a separate schoolwide program plan. NJDOE will consider the planning that took place as sufficient to meet the Title I planning requirements.
- If a school implementing a WSR model or approved school improvement strategy wants to institute a Title I schoolwide program, but does not meet the poverty requirements, the LEA, on behalf of the school, must apply directly to the federal government for a waiver of the poverty requirements, provided, however, the district consults with and submits the waiver request first to the NJDOE Office of Title I Office of Planning and Accountability. Refer to “Waiver Process” in Section I in this reference manual and the January 1999 memo to Chief School Administrators for the process and the timelines.

B. Targeted Assistance Schools

All schools receiving Title I funds that are either ineligible for or choosing not to elect the option of operating schoolwide programs will be known as targeted assistance schools. Such schools may use Title I funds only for services to children identified as having the greatest need for special instructional support and assistance. Instructional services must be scientifically based. [NCLB §1115]

Eligible Population

To be eligible for Title I services, the student must demonstrate academic need based upon criteria set by each eligible school. The population eligible for Title I services in a targeted assistance school includes children not older than age 21 who are entitled to a free public education through grade 12. Preschool age children who are old enough to benefit from an organized instructional program in a school or other educational setting are also eligible. Children who are economically disadvantaged; homeless; children with

disabilities; migrant children; limited English proficient children; and children who participated in a Head Start or Even Start program at any time during the two years preceding the year for which selection is made are eligible for Title I services in targeted assistance schools on the same basis as all other children using the same criteria.

Other children eligible for Title I services are those by definition that are at-risk: those in local institutions for neglected or delinquent children, or children attending community day programs for such children, and homeless children attending any school in the LEA.

Selection of Students

Children eligible for services are those from the population described above and identified by the school as failing, or most at risk of failing, to meet the state student performance standards on the basis of multiple, educationally related, objective criteria established by the LEA and supplemented by the school. Students identified from preschool through grade 2, however, must be selected solely on the basis of such criteria as teacher judgment, interviews with parents, and developmentally appropriate measures.

Components of a Targeted Assistance School

In a targeted assistance school, Title I funds must be used to help eligible children identified for Title I services to meet the same challenging state standards in reading, writing, and mathematics as all other children in the school.

To this end, programs of instruction must be based on effective instructional approaches and other means of improving student achievement. Title I planning must be incorporated into existing school plans and must be coordinated with and support the regular education program of the school. Also, schools may provide services simultaneously by serving Title I students and students with similar educational needs in the same educational setting, where appropriate.

In planning, consideration should be given to the following: 1) extending learning time; 2) providing an accelerated, high-quality curriculum; 3) minimizing “pull-out” instruction; 4) providing instruction by highly qualified staff; 5) upgrading staff skills through additional training; 6) using strategies such as family literacy services to increase parent involvement; 7) coordinating and supporting the regular educational program, including such services as counseling, mentoring, college and career awareness and preparation; and 8) helping students to make transitions, such as those from early childhood programs to elementary school programs and from school to work.

Requirements

Targeted assistance schools are required to coordinate with other resources in order to maximize opportunities for students to meet New Jersey's content and performance standards. In addition, targeted assistance schools are required to review the progress of participating students on an ongoing basis and revise the program, if necessary, to enable students to improve their achievement. Each targeted assistance school will devote sufficient resources to carry out effectively appropriate professional development activities for FY 2005. Such a school may, however, enter into a consortium with

another school to carry out such activities.

Comprehensive Services

A targeted assistance school may provide comprehensive services if health, nutrition, and other social services are not otherwise available to eligible children. Then as a last resort, a portion of allocated Title I funds may be used to provide such services as eyeglasses, hearing aids, and other basic medical equipment; compensation of a coordinator; and training for teachers, other staff, and parents in identifying and meeting the comprehensive needs of eligible children.

Comprehensive services may be provided only if the school has engaged in a comprehensive needs assessment, has established a collaborative partnership with local service providers, and has determined that funds for such services are not reasonably available from other public or private sources.

C. Charter School Applicability for Schoolwide Programs

A Title I schoolwide program in a charter school must be developed after *a year* of planning and must include the integration of schoolwide reform strategies that are scientifically based. To apply for schoolwide status, charter schools must first implement a year of the instructional program that was identified in their original charter. Since schoolwide status will incorporate a change in the overall structure and operation of an *existing* school program, a program must first be established. The school should also be mindful that the comprehensive changes that they propose may alter their charter and therefore may require charter school plan amendments and approvals. If after the first year of operation a charter school can demonstrate that the students are not performing as expected, then schoolwide status can be considered.

Note: Schoolwide status must not be confused with single attendance school districts. A single attendance area district has either one school, less than 1,000 students, or has only one school per grade span. A charter school often fits this description; however, a single attendance area district is not a schoolwide district.

D. Public School Choice

For students attending Title I schools designated as schools in need of improvement, an LEA may use Title I funds and state, local, and private funds to develop and implement a design to allow for choice that will enable parents of these children to select another public school their children will attend within the LEA. [NCLB §1116(b)(1)(E)] An LEA implementing such a program must develop a comprehensive plan, including the following:

- All eligible students in a school designated as in need of improvement have access to the program.
- Title I resources must be used to provide the transportation for choice when needed.
- The schools will provide individual student assessment results, including an interpretation of such results, to parents of participating children.

- The plan will be developed with the involvement of the community to be served and individuals who will carry it out, including teachers, principals and other staff; and if the plan relates to one or more secondary schools, students from the school(s) will be involved.
- The plan will be made available to parents and the public.
- The choice requirement option does not include students in schools that do not receive Title I funds.
- The program may use Title I funds only to pay for school choice transportation costs. Regular transportation costs are not allowable.
- The LEA will comply with other Title I requirements.

E. Supplemental Educational Services

The USDOE defines supplemental educational services as additional academic assistance for low-income students who attend Title I schools that have failed to make AYP for two or more consecutive years. This additional academic assistance is designed to ensure that students increase their levels of academic achievement, particularly in reading, language arts, and mathematics.

The USDOE has taken the stance that schools that do not improve or meet state standards must use their federal funds to get children additional help; that additional help means paying for supplemental services including tutoring or remedial services, after school, on weekends or during summers. This instruction must take place outside the regular school day.

Districts must arrange for the provision of supplemental educational services to eligible children from a provider on the state approved list. This provider is to be selected by the parents of the eligible child in consultation with the school district [Section 1116(e)(1)]. Additionally, qualifying school districts are required to:

- Notify parents annually (in a clear and uniform format, and, to the extent practicable, in a language the parents can understand) of:
 - The availability of supplemental services;
 - The approved providers whose services are available within the school district or whose services are reasonably available in neighboring school districts; and
 - A brief description of the services, qualifications, and demonstrated effectiveness of each approved provider to assist the parent in selecting a provider.
- Contact providers selected by the parents and enter into a contractual agreement on behalf of the student;
- Monitor the responsibilities of the approved provider; and
- Monitor the progress of students receiving supplemental services.

APPENDIX E: US DOE POLICY LETTERS ON SUPPLEMENT NOT SUPPLANT OMB CIRCULAR A-133

Examples of Supplementing vs. Supplanting

Policy Letter April 24, 1996: Request of an LEA to purchase four computers for each classroom, two funded by non-Title I funds and two funded by Title I funds was deemed supplanting, not supplementing, state and local funds. The rationale being that the Title I-funded computers would be used by all students, both non-Title I and Title I.

Policy Letter March 26, 1998: For targeted assistance schools, Title I may provide additional services only to Title I students either during the summer session or for a period of time that would extend the summer session for additional days for Title I participants. Another possibility would be for Title I to supplement mandated Title I summer school with additional services in another subject area, as needed. In a schoolwide program, the school can use Title I funds along with state and local resources to extend the school year for all of its students.

Policy Letters 7/1/1998 and 7/24/1998: A Title I Program Advisor, paid entirely from federal funds, was appointed by the governor to serve on a committee to hear employee grievances, spending about 1 to 1½ days per month in this capacity. This was deemed to be supplementary, not supplanting, as limited duties may be assumed by Title I personnel as long as the amount of time is the same proportion of total work time as that for similar personnel (other participating members).

Policy Letter 11/18/1999: Request to use Title I funds to support college awareness presentations is allowable if provided to only Title I-identified students. If such presentations are given in a schoolwide program, it can be funded by Title I for all students. In a Title I schoolwide program, a school is not required to provide supplemental services to identified children. However, the school may only use federal funds to supplement the amount of funds that would, in the absence of federal funds, be made available to the school from nonfederal sources, including funds needed to provide services required by law for children with disabilities and children with limited English proficiency. [Title I, Part A, §1114(a)(3) (20 US 6314(a)(3))]

APPENDIX F: THE TITLE I AUDIT

The Top Ten + 1 Most Common Audit Findings

1. Personnel are not listed in board minutes for Current Part A and Carryover and/or personnel not listed in board minutes with Title I percentages.
2. Time sheets do not reflect signatures of employee(s) and/or supervisor.
3. TPAF is improperly calculated.
4. Maintenance of Effort and/or Comparability Reports are not completed.
5. Regular inventory records are not maintained.
6. Equipment is not labeled.
7. Improper payroll distribution (not prorated per payroll period).
8. Purchase orders do not indicate Title I charges and accounts.
9. Final expense reports do not match individual line items on budgets.
10. Board policies and procedures are not updated to reflect the current legislative authority, e.g, IASA, instead of NCLB. and
11. Distribution of funds and school expenditures do not correspond with school allocations on the Title I Eligibility Page.

APPENDIX G: RESOURCES FOR FURTHER INFORMATION

General

Companion Document: Cross-Cutting Guidance for Elementary and Secondary Education Act. September 1996. United States Department of Education, 400 Maryland Ave., SW, Washington, DC 20202.

NW Regional Educational Laboratory School Improvement. www.nwrel.org/scpd.

What Works Clearinghouse. w-w-c.org/.

Title I

An Idea Book: Implementing Schoolwide Programs. 1998. United States Department of Education, 400 Maryland Ave., SW, Washington, DC 20202.

Policy Guidance for Title I, Part A – Improving Basic Programs Operated by Local Educational Agencies. April 11, 1996. United States Department of Education, 400 Maryland Ave., SW, Washington, DC 20202. www.ed.gov/legislation/ESEA/Title_I.

Title I Handbook: Understanding and Implementing the Largest Federal Funding Program for the Education of the Disadvantaged. Edwards, C. J. & Lin, A. C. (ed.). 1996. Education Funding Research Council, 4301 N. Fairfax Dr., Suite 875, Arlington, VA 22203.

The National Research Center on English Learning & Achievement. cela.albany.edu.

Other Resources

America Goes Back to School: Partners' Activity Guide 1995-96. United States Department of Education. (800-USA-LEARN).

America Goes Back to School: Partners' Activity Kit 1996-97. United States Department of Education. (800-USA-LEARN).

A New Chance – Making The Most of Title I. 1996. The Education Trust, 1725 K Street, NW, Washington, DC 20006 (202-293-1217).

Boost Family Involvement: How to Make Your Program Succeed Under the New Title I

Guidelines. Macfarlane, E. C. 1995. ERIC/EDINFO Press, Indiana University, P. O. Box 5953, Bloomington, IN 47407.

Improving America's Schools: A Newsletter on Issues in School Reform. United States Department of Education (periodic). www.ed.gov/pubs/IASA/newsletters/schoolwide/.

NCLB Legislation, Regulations, and Guidance. www.ed.gov/offices/OESE/asst.html.

Planning for Title I Programs – Guidelines for Parents, Advocates and Educators. 1996. Center for Law and Education, 1875 Connecticut Ave., NW, Suite 510, Washington, DC 20009.

Strong Families, Strong Schools: Building Community Partnerships for Learning: A Research Base for Family Involvement in Learning. September 1994. United States Department of Education. (800-USA-LEARN).

Title XIV Guidance and Additional Schoolwide Program Guidance. September 1997. United States Department of Education, 400 Maryland Ave., SW, Washington, D.C. 20202-6100.

United States Department of Education Online: www.ed.gov.

Title II-A

The Northwest Regional Educational Laboratory Program Report; Guidebook on Developing Indicators. Kim O. Yap, Ph.D. August 1997. Northwest Regional Educational Laboratory, 101 S.W. Main Street, Suite 500, Portland, Oregon 97204. (503-275-9500).

Improving Teacher Quality State Grants, Non-Regulatory Guidance; Revised January 16, 2004. Academic Improvement and Teacher Quality Programs, Office of Elementary and Secondary Education, U.S. Department of Education. <http://www.ed.gov/programs/teacherqual/guidance.pdf>

Ideas that Work, Science Professional Development; 1998, Eisenhower National Clearinghouse for Mathematics and Science Education <http://www.enc.org/> , (800) 621-5785

Title II-D

The Northeast and Islands Regional Technology Consortium, or NEIRTEC, provides resources regarding strategies for improving academic achievement and teacher effectiveness; parental involvement; professional development; and accountability measures. www.neirtec.org/products/techbriefs/default.asp.

Internet Safety

Complying with the Children's Internet Protection Act (CIPA). Mid-Atlantic Regional Technology in Education Consortium. www.temple.edu/martec/technobrief/tbrief10.html

Adult Literacy Providers

Adult Literacy Resources, www.readwriteact.org/adultlit.html.

America's Literacy Directory, National Institute for Literacy and Partners.
www.literacydirectory.org/.

BuildLiteracy.org is an interactive how-to Web site for building and sustaining literacy coalitions. American Library Association Office for Literacy and Outreach Services.
www.buildliteracy.org/index.htm.

Collection of Literacy Materials. University of Pennsylvania, Graduate School of Education. litserver.literacy.upenn.edu/.

Georgia Department of Technical and Adult Education, Office of Adult Literacy.
www.dtae.org/adultlit.html.

LINCS, a national electronic information and communication system for adult literacy.
www.dtae.org/adultlit/southernlincs.html.

Literacy Providers: A Resource for Referral. Mid-Atlantic Regional Technology in Education Consortium. www.temple.edu/martec/technobrief/tbrief15.html.

Maryland Adult Literacy Resource Center. www.research.umbc.edu/~ira/.

The Mayor's Commission on Literacy. www.philaliteracy.org/resources/.

New Jersey Reads. www.newjerseyreads.org/.

Online searchable database of adult literacy providers in the Mid-Atlantic region.
www.temple.edu/martec/adultlit.html.

Reading Programs for Literacy Providers. Learning Disabilities Association of America.
www.ldanatl.org/factsheets/adult_literacy.html.

South Carolina Literacy Resource Center. sclrc.org/mission.htm.

Tutors of Literacy in the Commonwealth. Pennsylvania Association for Adult and Continuing Education. users.penn.com/~literacy/.

Trade Books for Adult Literacy Programs. Ohio Literacy Resource Center.

literacy.kent.edu/Oasis/Resc/Trade/index.html.

Parental Involvement

Building a Webcentric Family and Community Network. Mid-Atlantic Regional Technology in Education Consortium. www.temple.edu/martec/technobrief/tbrief16.html.

Building School/Family/Community Connections Through Interactive Collaboration. Mid-Atlantic Regional Technology in Education Consortium.
www.temple.edu/martec/technobrief/tbrief3.html

Professional Development

Educational Technology Training Centers. New Jersey Department of Education.
www.nj.gov/njded/techno/techtran.htm.

Internet content and professional development for K-12.
www.marcopolo-education.org/index.aspx

New Jersey Association of Educational Technology's annual conference & workshops.
www.njaet.org.

New Jersey Educational Computing Cooperative's annual conference & workshops.
www.njecc.org.

Sheboygan Area School District's Technology Mentoring.
www.sheboygan.k12.wi.us/mentor/start.html.

Research Based Strategies

Clearinghouse on Information and Technology. United States Department of Education.
www.ericit.org/edtechresearch.shtml.

International Forum of Educational Technology & Society. IEEE Learning Technology Task Force. ifets.ieee.org/. (Teaching strategies and curricula.)

Research studies on technology from International Society for Technology in Education, Center for Applied Research in Educational Technology (CARET). caret.iste.org/.

Technology Literacy

An Educator's Guide to Evaluating the Use of Technology in Schools and Classrooms.
www.ed.gov/pubs/EdTechGuide/.

Office of Educational Technology. United States Department of Education.
www.ed.gov/Technology/.

International Society for Technology in Education (ISTE), National Educational Technology Standards Project. cnets.iste.org/.

Technology Planning

Evaluating and Updating Technology and Planning. National School Boards Association. www.nsba.org/sbot/toolkit/enu.html.

Implementing Your Plan. North Central Regional Educational Laboratory. www.ncrtec.org/capacity/guidewww/imple.htm.

The Learning Return on Our Educational Technology Investment. WestEd. www.wested.org/cs/wew/view/rs/619.

National Center for Technology Planning. www.nctp.com/.

Research on Computers and Education: Past, Present and Future. Northwest Educational Service District. www.esd189.org/tlp/images/TotalReport3.pdf.

Technology Planning Tools. Santa Cruz Office of Education, Technology Information Center for Administrative Leadership. www.portical.org/techplanningtools.html.

Title IV

A Guide for the Development of a Districtwide School Safety Plan. 2001. New Jersey Department of Education. www.nj.gov/njded/atoz/htm.

Blueprints for Violence Prevention. The Office of Juvenile Justice and Delinquency Prevention. www.ojjdp.ncjrs.org.

Center for Substance Abuse Prevention Model Programs. www.samhsa.gov/centers/csap/csap.html.

Creating Safe and Drug-Free Schools: An Action Guide. 1997. United States Department of Education. www.ed.gov.

CSAP's Guide to Science-Based Practices. National Clearinghouse for Alcohol and Other Drug Information, P.O. Box 2345, Rockville, MD 20847-2345.

Exemplary and Promising Safe, Disciplined and Drug-Free Schools Programs 2001. United States Department of Education. www.ed.gov.

Here's Proof Prevention Works Kit. National Clearinghouse for Alcohol and other Drug Information, P.O. Box 2345, Rockville, MD 20847-2345.

Keeping Score: What We Are Getting for Our Federal Drug Control Dollars? Drug Strategies, 2445 M Street, NW, Suite 480, Washington, DC 20037.

Making the Grade: A Guide to School Drug Prevention Programs. 1995. Drug Strategies, 2445 M Street, NW, Suite 480, Washington, DC 20037.

Municipal Alliance Committee: Information Guide for Developing Educational Outreach Programs. 1993. Governor's Council on Alcoholism and Drug Abuse, CN 345, Trenton, NJ 08625-0345.

New Jersey Comprehensive Health Education and Physical Education Curriculum Framework. 1999. New Jersey State Department of Education, Office of Management Services, CN 500, Trenton, NJ 08625-0500.

Safe and Drug-Free Schools Program. USDOE. www.ed.gov/offices/OSDFS.

Safe, Disciplined, and Drug-Free Schools Expert Panel Exemplary Programs (2001). United States Department of Education. www.ed.gov.

Safe, Disciplined, and Drug-Free Schools Promising Programs (2001). United States Department of Education. www.ed.gov.

The National Cross-Site Evaluation of High-Risk Youth Programs. National Clearinghouse for Alcohol and other Drug Information, P.O. Box 2345, Rockville, MD 20847-2345.

Other Government Web Sites

www.cdc.gov

www.healthfinder.gov/scripts/SearchContext.asp?topic=29&refine=1

www.nih.gov

www.nida.nih.gov

www.preventionondss.org (click on "assess your needs")

www.modelprograms.samhsa.gov

www.niaaaa.nih.gov

www.whitehousedrugpolicy.gov

Other Non-Government Web Sites

www.tanglewood.net

drugstrategies.com

www.nas.edu

www.casel.org

Title V

Federal Guidance. www.ed.gov/offices/OESE/SIP/programs/ieps.html#guidance